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Against Women

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Before presenting its first report to the Committee of Experts of the Convention and carrying out an anlysis of the legislative, judicial, administrative or any other kinds of means which have been adopted by the Government of the Republic of Cuba during the last two decades to make the provisions of this international juridical instrument effective, it is relevant to make a brief survey of Cuban legislation during several distinct periods so that it is possible to appreciate the development of legislation concerning the rights of women in Cuba.

The Civil Code of 1889 lays down that the married woman is required to follow the condition and nationality of her husband; that the husband is to protect his wife and the latter is to obey the husband; that the married woman is obliged to follow the husband wherever the latter fixes his domicile; that the husband is the administrator of the conjugal partnership's property and is furthermore the representative of the wife, who must request and obtain permission from the former to appear for judgement, to acquire obligations, to request participation in goods, to give her consent in a contract, to transfer, encumber or mortgage her goods.

In the precepts of this Code in regard to the regulation of matrimony, paternal-filial relationships, parental authority, the emancipation of children and guardianship there is always established a preferential order in favour of the husband, the father and, in general, always the man over the woman.

In order to exemplify this old and discriminatory family structure it is only necessary to note the fact that authorization for a person under age to contract matrimony must be given by the father, and only in his absence by the mother: however in the absence of both the order to be followed is first of all the paternal grandparents, then the maternal grandparents; in a similar manner parental authority is to be exercised by the father and, in his absence, by the mother. Women are not able to fulfil the post of guardian unless the law expressly calls for this.

In regard to the rights of children in their relationships with their progenitors the same Civil Code manifests an unjust discrimination in favour of those born within marriage and to the prejudice of the extramatrimonial children for whom it is almost impossible to have the opportunity of being recognized by their parents, and even when so recognized their rights to inherit from their progenitor are limited.

The popular revolutionary process of 1933, which decreed the end of the tyrannical regime then installed in Cuba gave rise to a reduced number of provisions which, given the historical time at which they were enacted, had a progressivist character. For example the Constitution of 3 February 1934 granted women the right to vote; the Divorce Law of 10 May 1934 gave them the right to receive maintenance from their ex-husband whenever it was requested and necessary; it granted them the protection and care of male children under the age of five and of girls up to the time of their coming of age.

In the Constitution of 1940, the most advanced up to the present time in regard to social legislation, the equality of all in the eyes of the Law was laid down, together with the equality of rights of spouses, the equality of rights of matrimonial and extramatrimonial children, apart from those corresponding to inheritance from their progenitors, the acknowledgement of the right of women to work, to dispose of her own goods and to have the benefit of maintenance in the event of divorce. It also proclaimed in other aspects the equality of rights of women with men and authorized tribunals, under specific conditions, to make single and stable extramatrimonial unions equivalent to matrimony but only with the effect of validating the economic relationships which have arisen between those united in this way and without giving to the judicial declaration juridical transcendancy in regard to the children born during this union.

All this constitutional legislation, gathered together in the 1940 Constitution, required subsequent complementary legislation to make its application and fulfilment possible, but this was not however adopted by the multitude of established interests and because of concessions by the governing class to those concerned.

It was not until ten years later that modifications to the Civil Code were introduced by way of Law 9, dated 20 December 1950, with the aim of conceding full civil capacities to women, especially by extending and strengthening her juridical situation within matrimony and the family. This Law laid down that the spouses should protect each other mutually and maintain the due considerations. It also laid down that the rights of the parents, and of the spouses as such, are to be exercised conjointly, and that acts of administration in regard to the matrimonial goods may be carried out either by one or other of the spouses or by both acting together, in regard to control and disposition, whilst also granting to the wife the right to form part of the board of guardians and to become a guardian.

However these limited advances, many of which were set out in the constitutional precepts of 1940, were nevertheless found to be inoperative in real life, since the bourgeois structure of Cuban society of the period was not changed. This continued the situation of the private ownership of the means of production, with its resultant influence on the economic structure of the family, maintaining the predominance of the man; the latter, holding most of the jobs, was therefore the only spouse to have access to work and hence provided the family with its economic resources; thus facilitating the maintenance of a hegemony in family relationships.

Also, although women were allowed formal access to work, this could only be done under conditions of inequality in regard to men and hence economically unfavourable to women since nothing was done to alleviate the domestic role which weighed down the married woman, a factor impeding any access to the advantages of the constitutional precepts which had been recognized. For women the triumph of the Revolution in January 1959 found only 194,000 of them actually employed in Cuba, the majority in domestic jobs and other underemployment, a figure representing only 9% of the labour force of the country.

It was only from the time of this historical success that the construction began in Cuba of a new society, based on the social ownership of the means of production and on the suppression of the exploitation of men by men, so beginning firstly the weakening and then the disappearance of the economic predominance of the man within the family and, as a consequence, the equilibration of the duties and rights of both partners.

To this end, and in parallel with the construction of the new society, there was begun the transformation of the structure of the traditional family based on the bourgeois family norms into a progressivist family, in which the social and juridical inequality between the spouses and the children would disappear. This facilitated the massive incorporation of women into social work, in production and in the service industries, whilst in a similar manner children could be incorporated into studies and technical improvement to contribute on equal terms to the establishment of a more just and advanced socialist society.

All this, coupled with the deliberate support of the Government, was reflected in real and effective, and non-formal, means such as the creation of child creches, the establishment of programmes, with more and more scholarships, for boarders and semi-boarders in primary and secondary schools, in technology and higher education, so ensuring that there would finally disappear for all time in Cuban society the characteristics of the traditional family and so that the much-desired reality of equality between men and women could be maintained with the support of the great popular masses, especially those of the working class.

Certainly this acceptance and understanding of the fight for the liberation of women and their full participation in society goes back to the first moments of our wars of liberation, when women rose up for their rights to incorporation in the struggle for independence and for the construction of a society free from colonial exploitation and discrimination, joining their desires with those of the men who, from their own positions, were directing the wars of liberation.

To this end, and as soon as the warlike actions began, the liberators of 1868 met at Guáimaro to discuss and approve the Constitution which would operate in the island during the War of Independence.

This Constitution established as the fundamental principle of the nation : "the right to exercise national sovereignty, respect for the rights of the individual and the establishment of democratic forms of state organization". Article 24 grants the right of freedom to all Cubans, abolishing once and for all the odious and secular institution of slavery, whilst Article 26 establishes that "the Republic does not recognize any rank, special honours or privileges whatsoever".

The constitutional laws of Cuba under arms of Baraguá (1878), Jimaguayú (1895) and la Yaya (1897) are milestones marking the development of the juridical ideas which were prevalent in the conscience of Cubans.

The proposals of our liberators consist of setting out the absolute independence of Cuba, to form an authentically free State with its own government, and in postulating the complete freedom of all its inhabitants: these were all set out in these Constitutions although they were only converted into reality from 1959 onwards.

The Revolutionary Government, faithful, loyal and conscious of the historical significance of the patriot Ana Betancourt, who fought for the rights of women in society, and of the many other women who, over a period of more than a hundred years of revolutionary struggle of our people, gave the best of their lives for these just claims, recognized from the first days the real importance of the petition which this woman presented in 1868 as the vanguard of the women of the continent. This requested the legislators of the first constitution of Cuba "that the rights which should in justice be accorded to us be conceded to us as soon as the Republic is established". It was for this reason that the true and definitive restoration of women into society was initiated in Cuba from 1959 onwards.

THE IMPLEMENTATION OF ARTICLE 1

Cuba, with a colonial past of nearly three and a half centuries and more than fifty-five years of an insatiable neocolonial regime, was at the time of the triumph of the Revolution in 1959 a State where discrimination affected equally women, negroes and those humble foreigners who came to our land as immigrants.

A society of bourgeois capitalist structure practised, as a result of foreign influence and its origin, discrimination by social and economic class and by sex and race; however, given the rich history of the freedom struggle in Cuba on the part of its best sons there had been introduced into the legislative order some advances which were in fact only formal, and if they served any purpose, this was only to hide the discrimination which underlay all spheres of Cuban life.

At the triumph of the Revolution, in January 1959, this formal legislation was put into effect; it was necessary to the end of guaranteeing its application, especially in regard to women, that not only were the laws to be proclaimed but also the objective and material conditions which would make it possible to put them into practice needed to be created. It was from this moment that the enrichment of all the legislation began with the aim of putting into effect and guaranteeing the just place which women enjoy today in Cuban society.

Certainly for this reality to come into effect it was necessary to carry out to its completion a Revolution of the magnitude and depth of that in Cuba, which went down to the deepest roots of society and proceeded in accordance with the needs and aspirations of its overwhelming majority. It was not possible to achieve a success of this order without affecting the interests of the small minority who, for centuries, had forced an entire society to live under conditions of exploitation and discrimination.

In order to achieve the material equality of all Cubans in every sphere of economic, state, social, political and cultural life, which now constitutes an inexorable law in Cuba, the 1976 Constitution of the Republic based all its rules on the principle of this equality.

Accepting the precept that all citizens enjoy equal rights and are subject to equal duties[1] eliminates all inequality and condemns every type of discrimination. This equality of rights must be considered in a dynamic sense, that is to say as a guarantee that the same opportunities are open to all - men and women - to achieve primacy in knowledge and ability since reason rejects and right condemns the fact that this should be by the paths of privilege. For this reason the articles of the Constitution proclaim that "discrimination by reason of race, colour, sex or origin is proscribed and is punished by the law".[2] The current Penal Code guards this right by its penal provisions.

To this is added the constitutional rule that "the State institutions are to educate all, from the earliest age, on the principle of the equality of human beings".

In this sense the 1978 Code for Children and Young Persons* proclaims "the equality of citizens, in the full acknowledgement and the real possibility of the exercise of political rights and the elimination, in the juridical regime of the family, of all discrimination against the woman and of any distinction of inferiority amongst the children[3]" as basic principles of our society.

Amongst the values, attributes and qualities which the Code for Children and Young Persons inculcates in children and young persons are to be found "the feelings of equality, opposed to all discrimination or underrating for differences of sex, race, colour of skin, national origin or other motive".[4]

Under the Heading of Equality the Constitution devotes a special article to guarding the equality of rights of men and women "in economic, political, social and family" spheres.[5] In order to guarantee this right, and especially to ensure the incorporation of women in social work "the State will see to the fact that they will be provided with work positions compatible with their physical constitution, granting them paid leave for maternity, before and after childbirth; will organize institutions such as infant creches, semi-boarding and boarding schools, and will make every effort to create all the conditions favouring the realization of the principle of equality".[6]

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* 'Código de la Niñez y la Juventud'

Notwithstanding the series of steps taken by the Cuban Government to eliminate all inequalities President Fidel Castro, in his closing speech to the Second Congress of the Federation of Cuban Women on 29 November 1974, stated "... After more than 15 years of Revolution (...) we are still backward, politically and culturally. The reality is that that there still remain objective and subjective factors which maintain a situation of discrimination in regard to women."

During this Congress the objective and subjective factors which make the full integration of women into work and of achieving equality with men difficult were analysed.

Amongst the objective factors were noted the lack of sufficient infant creches, semi-boarding and boarding, the lack of employment throughout the whole country in order to incorporate women in work, and the fact that many women do not possess the required levels of skills.

It cannot be doubted that all the types of difficulties which form obstacles to the incorporation of women into work are related to the condition of underdevelopment, hunger, misery and exploitation in which the country had been submerged. However during the 23 years of the Revolution the social, political and economic prospects and guarantees for women have radically transformed the situation.

In regard to the factors of a subjective type, such as the old habits, mentalities and prejudices which still exist in the minds of our men and women, President Fidel Castro pointed out that this struggle against such factors is a much harder one than that against the objective factors since, with the development of our economy, the material difficulties will be overcome and, without any doubt, we will be able to build all the creches and semi-boarding establishments which are now lacking. But the erradication of bad habits and of the old prejudices, will be found much more difficult.

THE IMPLEMENTATION OF ARTICLE 2

a) The 1976 Constitution of the Republic grants equality to all citizens and proscribes discrimination for reasons of sex.[7]

The eradication of discrimination for reasons of sex, the essential elements of which can be seen in the constitutional rules, is not only guaranteed by the juridical rules which are obligatory for all State organizations and citizens but also by education and culture which are disseminated in the spirit of equality of the human personality and which contribute weightily to the eradication of those principles which are still present, as an inheritance from the past, in some individuals.

For this reason the Code for Children and Young Persons of 1978, a juridical standard of compulsory application, the object of which is to regulate the various aspects of the life of the younger generation, its duties and rights and the obligations of those persons, organizations and institutions involved in its integral training, proclaims "the feelings of equality, opposed to all discrimination or underrating for differences of sex, race, colour of skin, national origin or other reason".[8]

b) As a guarantee of the application of the constitutional rule which regulates and protects the right to equality of women and which proscribes discrimination in all its forms, the Penal Code (Law No. 21) of 15 February 1979 institutes the concept of offence against rights of equality. This punishes every type of discrimination, including sexual, the promotion of or inciting to discrimination, with its manifestations and ill intent, by reason of sex, race, colour or national origin, or those actions which raise obstacles against or impede the exercise or deny the rights to equality established in the Constitution.[9]

Similarly the Code proscribes the defence of ideas based on racial hate or superiority, or the commission of acts of violence or the encouragement of gossip against any race or group of persons of another colour or ethnic group.[10]

Violation of the right to equality constitutes an offence, liable to prosecution, in such a way that a statement of its commission is sufficient to initiate the investigational process so that the facts of the case may be demonstrated. At the conclusion of the investigation the Fiscal, if he feels that sufficient factors exist for the application of penal actions, will bring the case before a competent tribunal.

c) The strict application of the law in regard to establishing the juridical protection of the rights of women on a basis of equality with those of men, by means of the Cuban tribunals, has been made effective by the Law on the Organization of the Judicial System of 1977 (Law No. 4)[11] which states that "justice is dispensed on the basis of the equality of all citizens before the Law and the tribunal". This law guarantees the uniform or egalitarian application of justice throughout the country.

In the Constitution the objectives of the tribunals include that of "protecting the life, liberty, dignity, honour, patrimony, family relationships and the other rights and legitimate interests of the citizens", together with the prevention of "violations of the law and antisocial conduct, reprimanding and re-educating those who indulge in these and re-establishing the authority of the legal rules where necessary against their infraction".[12]

d) The General Public Prosecutor of the Republic* is the office charged with supervising the strict application of the law and other legal provisions which affect the rights of women, and to do this may apply penal actions - if necessary - before the competent tribunals, so guaranteeing the rights granted by the Constitution.[13]

In addition to making any discriminatory act or practice an offence the specific Law on the Organization of the Judicial System lays down in Volume II, concerning the General Public Prosecutor of the Republic* that the primary objective of this office is "the control of socialist legality, exercised on the basis of vigilance over the strict application of the law and other legal provisions, by the State organizations, social and economic entities, and by the citizens".[14]

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* 'Fiscalía General de la República'

e) In order to perpetuate the Constitution the strict application of the latter and of the other laws is an unavoidable duty of all[15] (Article 65) the Penal Code establishes action against the right of equality as an offence[16], so guaranteeing that no person, organization or business will commit the offence of discrimination.

f) Finally, and in regard to the adoption of measures to modify or derogate discriminatory laws against women, including those of a penal character, the Constitution of the Republic establishes that equality between men and women is the Fundamental Law which governs the country, so derogating de facto any other normative provision which contradicts this. Furthermore the Provisional Constitutional Law dated 24 February 1976 establishes that all the laws, law-decrees, decree-laws, agreement-laws, decrees and other legal provisions enacted prior to that date retain this validy insofar as they are compatible with the Constitution.[17]

THE IMPLEMENTATION OF ARTICLE 3

Up to the present moment the Cuban State has taken, in all spheres of life, those appropriate material, political, administrative and legislative measures so that the economic development of society can proceed.

In the political sphere women have the same rights and opportunities as men to participate fully, yet their representation in organizations of political direction has not reached the due proportion and in decision-taking posts they do not, at the present time, occupy the corresponding percentage.

In the social order Cuban women enjoy parity with men in regard to prerogatives, as extended to them by society and the laws.

From the economic point of view no discrimination distinguishes men from women socially. In regard to their incorporation into work women have now reached the figure of more than a third of the national work force. Although women play an important role within the family the 1975 Family Code recognizes their economic contribution in fulfilling this social function.

At the cultural level, and in both the scenic and plastic arts, woman compare numerically with men. Within this sphere there is full access to education, greater in the case of primary and secondary studies than for men, a fact which results in the greater number of women who enter higher level studies, in both the sciences and the humanities. This fact is even more sharply shown in the urban zones.

The legislative expression of the Cuban Revolution has placed special emphasis in guaranteeing the full development and advance of women, both in constitutional law and also in the legislation more specifically directed towards regulating family, labour, penal, electoral and educational life and of the life of the younger generation, its duties and rights and the obligations of those persons, organizations and institutions involved in their integral training.

The 1976 Constitution of the Republic juridically consolidated the successes achieved by the Government from the time of the triumph of the Revolution on 1 January 1959. Every right which it proclaims is a right guaranteed by the economic, political and social reality of the country. The Cuban Constitution is not a document which contains demands to be satisfied but rights and liberties which the Cuban people enjoy and which are today consolidated juridically.

All its rules correspond integrally to the true interests of all the workers in the various categories, from the town and the fields, and of the students, men and women, black and white of the population and which express, in a direct and open manner, the scope and the exercise and implementation of liberties and rights, of limitations and duties.

The eradication of discrimination by sex, the essential features of which are seen in the constitutional rules, is not only guaranteed by the juridical rule which obliges the State organizations and citizens but also by the education and culture which are disseminated in the spirit of the equality of the human being and which contribute massively towards eradicating those prejudices which, as an inheritance from the past, still exist in some individuals.

The Cuban Constitution guarantees, inter alia :

- The right of all to work and to be free from exploitation and forced unemployment which, like an inextinguishable plague, scourged the workers of the country;
- The right of country workers to the land and to be free from high rents, metayage, the threat of eviction and the extortion of landowners, shopowners and foreign companies;
- The right of every child, young person or adult to free and scientific public education, capable of preparing them for life and to enjoy cultural advantages;
- The right of every sick person to free hospitalization and medical assistance, which is real and immediate even in the most distant regions of the country;

- The right to physical education, to sport and to recreation, as the instruments of integral development, health and happiness for the people;
- The right to leave and to the paid holidays which all the workers enjoy;
- The right to receive the protection of social security in old age, illness or in the event of accidents;
- The right of all citizens to full equality in all its aspects, to live and to grow in dignity, free from any humiliating and repulsive forms of discrimination;
- The right of citizens to organize themselves into trade unions, country associations, associations of women, students, writers and artists, scientists, sportsmen and others, with a recognized role in society and the guarantee of their free growth;
- The right of the citizens, including young people over 16, women and members of the armed forces, to particpate in the political life of the country and to enjoy free, universal and secret voting in the elections which are held and, with their vote, to remove from office those who have been elected by such elections.

These constitutional rights are naturally supplemented by those rights which find their basis in Heading IX of the 1979 Penal Code dealing with offences against the rights of individuals. The penological protection which the Code offers in regard to these rights corresponds to the precepts of the Constitution which grants them, and naturally both the Penal Code and the Constitution correspond to socialism as a system in which man occupies the place which belongs to him, free from exploitation and injustice, and in which, through the carrying out of all his duties and the enjoyment of all his rights, he can truly be a man and a human being in the fullest meaning of this concept.

One can speak, today in Cuba, of human rights, liberty and individual rights since one lives and works in a country where the equality of all persons before the law and in their lives is proclaimed, where none is discriminated against, where none is limited in the enjoyment of those opportunities granted to all equally to work, to enjoy sports, to be educated, to receive medical attention and hospitalization and, in sum, to live.

THE IMPLEMENTATION OF ARTICLE 4

1) The legislative measures promulgated in Cuba, and which favour women, are directed towards the greater protection of the rights which relate to them, meeting the specific exigencies of their sex.

In this regard support was given by the words of President Fidel Castro at the closure of the Second Congress of the Federation of Cuban Women, in 1974, when he said :

> "if the woman is physically weaker, if the woman is required to be a mother, if over and above her social obligations and her work is imposed the weight of reproduction and if she has to carry within her body the child that is to be born, as with every human being who is brought into the world, and if she has to accept the physical and biological sacrifices which such a function imposes, then it is only just that women should receive, in society, all the respect they merit and every consideration that they merit."

He also added that :

> "if there is to be any privilege in human society, if there is to be any inequality in society, then there must be some small privileges and some small inequalities in favour of women."

2) From this it follows that those measures taken to protect the rights of women in regard to her physical constitution and to maternity in particular are not regarded in Cuba as being discriminatory.

THE IMPLEMENTATION OF ARTICLE 5

a) When analysing the question of women's equality this does not only mean the objective factors which affect it, and for which solutions are gradually being found by the Cuban State; it is also necessary to be aware of and to understand the subjective factors which still weigh on the conscience of the men and women who determine attitudes towards the problem and the ways of confronting and resolving these.

In order to end prejudices and discriminations in regard to women, and to modify the socio-cultural behaviour patterns of both men and women, the Cuban Government has utilized all possible forms of carrying out in-depth ideological, systematic and ongoing work from the first days of the revolutionary triumph.

To this end considerable work has been carried out since 1959 for the cultural and educational advancement of women, so that they may become aware of their rights and responsibilities. Therefore the mass media have carried out regular and extensive campaigns during the years to assist with these efforts.

Another effective means for achieving these objectives has been the discussions on draft laws, by means of which women can become aware of and analyse various subjects of national interest, the problems which confront them and the means for solving them. For example it should be pointed out that women have taken an active part in drawing up the draft Constitution.

Once the preliminary draft had been drawn up this was submitted to full popular discussion in which around 6,200,000 persons took part, representing practically the whole of the population with the exception of those under 14 years of age. As a result of the many proposals put forward during these meetings the preamble and 60 of the 141 articles of the preliminary draft were modified.

These figures show the large number of participants in the process of discussion and modification of the draft Constitution, and a high percentage of these were women.

Another legislative provision which was also submitted to extensive popular discussion in the mass organizations - feminine, rural and juvenile - and in the work collectives was the Family Code of 8 March 1975.

The articles of the Code implicitely proposes a change in the traditional way of approaching the problems of spouses, a change which signifies the equality of men and women. It does not only regulate juridically the institutions of the family but is also an instrument for education, which devotes full equality to women in the natural nucleus of society, that is to say in the family, and so proclaims the clear position of the Cuban State in regard to its conception of the role of women in society.

For the first time in Cuban legislative history on the subject the Code recognises the economic value of domestic tasks and establishes the duty of both spouses to cooperate in them. Starting from the principle of the equality of the rights and duties of the spouses[18] the Code states that both must contribute to the necessities of the home and of the family and that they are to provide according to the possibilities and capabilities of each of them; it lays down that in the case where one of the spouses does not have paid work and consequently is not able to contribute economically to the needs of the family their domestic tasks make up for this, without freeing the other spouse, who provides all the support, from the duty of aiding, cooperating and participating in the said domestic tasks.[19]

Finally the active participation of women in the mass organizations, through regular meetings and study groups, has created in them the habit of expressing their opinions and concerning themselves with their own communities and with the problems of the country, giving them greater confidence in the country and contributing towards increasing their consciousness.

b) The Second Congress of the Federation of Cuban Women, held in 1974, may be regarded as the event which had the most significant influence on the adoption of a systematic governmental policy directed towards guaranteeing that family education would include an adequate understanding of maternity as a social function together with the acknowledgement of the joint responsibility of men and women in regard to the education and development of their children.

During the preparatory work on the problems which would be raised at the Congress and which were brought up from the bases of the organization the feminine masses spontaneously raised the necessity for the adoption of a policy on systematic, indepth and scientific family education which would meet the questionings and uncertainties which were the product of anachronistic concepts and taboos which existed on this subject in the country.

As a product of this the Congress created a Committee to deal with the question of the role of the family in socialism and approved a thesis on this subject, as a result of which the following, amongst other subjects, were established in the executive part :

- To carry out systematic work on the educational guidance of parents and to disseminate this through the mass organizations and the mass information media;
- To recommend to the Ministry of Education the inclusion in its study programmes of all the lessons and subjects related to the role of the family;
- To work so that parents understand that family life is an example which has an extraordinary influence on the training of children, and that the members of the family should divide up equally the duties and rights in the home;
- To utilize all the means of dissemination and education directed towards the masses in all and each age group, with the object of ensuring that the household tasks of the woman are shared by all the family, as also with the other responsibilities which overload her with work;
- To recommend that the Ministry for Public Health, the Ministry for Education and the Federation of Cuban Women draw up materials and plans on sexual education, with a view to providing adequate information for the family, with the object that they may contribute in an effective form to the education nowadays of their children.

Three years later, and as a result of the contitutional guarantee which makes it easier for the social and mass organizations of the country to exercise legislative initiative[20], the National Assembly, the supreme organ of the Cuban State, created in 1977 the National Group for Sexual Education, allocated to the Permanent Commission for Young People, Children, and the Equality of Women's Rights*.

A brief summary of the functions of this National Group is given in the information submitted in regard to the implementation of Article 12 of the Convention.

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*'Comisión Permanente de Atención a la Juventud, la Niñez y la Igualdad de Derechos de la Mujer'

THE IMPLEMENTATION OF ARTICLE 6

Prostitution, as a social phenomenon, has ceased to exist in the country with the elimination of the social and economic conditions which engendered it. Before 1959 thousands of prostitutes could be found, mainly in Havana and the other large cities of the country. A major programme on their re-education and re-adaptation was carried out in the years 1960-1965 by the Federation of Cuban Women and the Council for Social Defence*. To this end job centres and schools were created to make the subsequent incorporation of these women into the active life of the country possible; similarly their children were the first to benefit from the creation of child creches.

In 1961 the exploitation of any form or mode of prostitution was designated as an index of dangerousness by Law No. 993.

Later, with the promulgation of the Penal Code (Law No. 21) of 15 February 1979, procuring, the exercise of prostitution and the exploitation or exercise of socially reprehensible vices, were also established as indices of dangerousness.[21]

According to the Penal Code there are three forms of procedure for dealing with a person in a position of danger: therapy, re-education and supervision by the organizations for preventing offences.[22]

It should be noted that, in the Code in question, and for the treatment of participation in the committing of offences, in cases of offences of personal wrong or attacks on collective human dignity, or in those cases laid down by international treaties, the perpetrators are all those penally responsible, whatever their form of participation.[23]

In this respect the Republic of Cuba is party to the following international instruments on this subject :

- International Agreement on the repression of the slavery of women and children, signed in Geneva on 31 March 1922.

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* 'Consejo de Denfensa Social'

- International Agreement on securing effective protection against the criminal traffic known under the name of "White slave traffic", signed in Paris on 18 March 1904.

- Agreement on the repression of the slavery of persons and the exploitation of other prostitution, New York, 21 March 1950.

The above juridical norm is guaranteed by the constitution principle of guaranteeing "the full dignity and liberty of man, the enjoyment of his rights, the exercise of his duties and the integral development of his personality".[24]

THE IMPLEMENTATION OF ARTICLE 7

A) The Constitution of the Republic establishes the free, equal and secret vote[25] (Article 134) and grants this right to all Cubans, men and women, of more than sixteen years of age.[26] (Article 135).

Similarly the constitutional rules guarantee the right to be elected to those Cuban citizens, men or women, who are in full enjoyment of their political rights.[27]

The Electoral Law (No. 1305) of 7 July 1978 regulates the organization and carrying out of the election of the members of local organs which are formed in the politico-administrative areas into which the national territory is divided in accordance with the law.

In accordance with the constitutional norm the Electoral Law regulates the right to suffrage in the following manner:[28]

a) All Cuban citizens, men and women, including the members of the armed forces, and who have reached sixteen years of age, have the right to vote in the election of delegates to the Municipal Assemblies of Popular Power and in referendums.

Excluded from the exercise of this right are those mentally incapable, subject to judicial declaration of their incapacity, and those judicially incompetent for committing an offence.

b) All those citizens with the right to vote and who are also in full enjoyment of their political rights, have the right to be elected as Delegates to the Municipal and Provincial Assemblies of Popular Power.

c) Those Cuban citizens who, in addition to being in full enjoyment of their political rights, have reached the age of eighteen, have the right to be elected Deputies to the National Assembly of Popular Power (Article 2).

B) The participation of women in the formulation of governmental policies and in the carrying out of these, to occupy public office and to exercise all public functions in all the governmental plans is guaranteed by the Cuban constitutional rules.

The Cuban State grants the right whereby citizens, without distinction of race, colour or national origin, have access, according to their merits and capabilities, to all posts and employment of the State, in Public Administration and in production and the providing of services, together with the right to ascend to all ranks of the revolutionary armed forces and in security and internal order, according to their merits and capabilities.[29]

Furthermore the General Regulation for Organizations of the Central State Administration of 1978*, which establishes the duties, rights, authority and functions common to all workers, guarantees inter alia access, according to merits and capabilities, to all posts within the organization.[30]

C) Cuban women do not encounter any impediment whatsoever in participating in the non-governmental associations and organizations of the country.

The Constitution of the Republic recognizes, protects and stimulates the social and mass organizations, such as the CTC, CDR, FMC, ANAP, FEEM, FEU, UPC and others** which gather together the various sectors of the population and represent their specific interests, and incorporates them in the tasks of education, consolidation and defence of the socialist society. (Article 7).

The percentage of feminine members of each of these organizations - with, as may be expected, the exception of the Federation of Cuban Women (FMC) - may be regarded as being fifty per cent.

In regard to the Federation of Cuban Women this is an organization which has a membership of more than two and a half million of the feminine population of the country who are over 14 years of age.

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* 'Reglamento General de los Organismos de la Administración Central del Estado'

** In the absence of details of these organizations the acronyms have been left as in the original text (FMC = Federation of Cuban Women)

It has, amongst its objectives, to raise the status of women in their own eyes and in those of society, to make women conscious of the value and necessity of their participation, and to elevate even further the ideological, political and cultural level of women so as to bring them to the state where they can fulfil the role which they have as constructors of the new society, and to recognize the problems, uncertainties and difficulties of women so as to bring them before the relevant organizations and institutions.

Over a period of more than twenty years the Federation has been one of the most important and capable vehicles of the Cuban Government for integrating women into the revolutionary process.

Amongst the first tasks which it undertook, during the sixties, was to give its support to the National Literacy Campaign, which eliminated illiteracy from our country; the activities which developed with women who exercised prostitution; the organization and implementation of the first child creches and the organization of education and improvement schools for young rural persons.

The FCW has extensive working links with the various State ministries and organizations, such as the Ministry for Education, the Ministry for Public Health and the State Committee for Labour and Social Security*, in respect of the plans and programmes which they undertake.

In the sphere of education they undertook, in the period 1975 to 1980, to bring up to the level of the sixth grade of education more than 200,000 housewives who were members of the Federation. As a result of this effort they were given the Literacy Prize by UNESCO in 1981. In the health field support is given to the Ministry for Public Health in its programmes for community first aid(1).

The work which the Federation carries out for rural women should also be highlighted. In conjunction with the National Association of Small Farmers they organized more than 5000 squads with about 72,000 members. These squads contribute not only to the incorporation of women into economic life but also permit greater cultural and social development for rural women(2).

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* 'Comité Estatal de Trabajo y Seguridad Social'

(1) For further details see under 'The Implementation of Article 12'.

(2) For further details see under 'The Implementation of Article 14'.

THE IMPLEMENTATION OF ARTICLE 8

When the Constitution of the Republic and the other laws of the country guarantee the equality of men and women it also provides the opportunity for representation of the Government at an international level without any discrimination.

The Ministry for External Relations, the organisation which carries out the foreign policy of the country, has at the present time some 48% of female personnel in the posts of ambassador, director, specialists and other technical and service personnel. Cuban women represent Cuba in Embassies, Consulates and Permanent Missions to International Bodies.

The technical and professional capabilities of the women working in the external services makes it possible to integrate the Cuban delegations into various international events, including those sponsored by the United Nations and by inter-governmental or non-governmental organizations, for example during the sessions of the General Assembly, the Economic and Social Council, its internal committees, specialized agencies, etc.

In all the Cuban State organizations the field of international relations relies on the work of women who, as a result of the level they can reach through the study and advancement facilities offered by the Government, can perform their missions in a successful and outstanding manner.

The Regulations of the Ministry for External Relations of 11 September 1981 establishes the following as the requirements for entering this organization : to be a Cuban citizen, to be over 17 years of age, to be in full possession of ones physical and mental capacities, to possess the required educational standard and not to have any previous convictions. No reference is made to the sex of applicants for work in the Organization, so that men and women both have the right to represent the Government at an international level. This juridical norm is sustained by the constitutional principle of the right of citizens, without distinction of race, colour or national origin, to have access to all State posts and employment, in Public Administration and in production and the supply of services, according to their merits and capabilities.[31]

THE IMPLEMENTATION OF ARTICLE 9

1. The Cuban State grants women equality of rights with men to acquire, change or retain their nationality. The Citizenship Regulation (Decree No. 358) of February 4 1944 determines the forms of obtaining or losing citizenship, without establishing any difference for reasons of sex.

The Constitution of the Republic establishes that Cuban citizenship is acquired by birth or by naturalization; in both cases the subject of this right may be of either sex.[32] Furthermore it lays down that "neither matrimony nor its dissolution affects the citizenship of the spouses or of their children".[33]

2. The Constitution also guarantees the equality of rights of mothers and fathers in regard to the transmission of citizenship to their children by jus sanguinis.[34]

THE IMPLEMENTATION OF ARTICLE 10

a) The equality of access of women and men to education is guaranteed by the Constitution of the Republic which proclaims: "All have the right to education. This right is guaranteed by the extensive and free system of schools, semi-boarding and boarding establishments and grants, in all types and levels of teaching, and by free school materials, so giving to every child and young person, whatever the economic situation of their family, the opportunity to follow studies in accordance with their aptitudes, with social exigencies and with the needs of economico-social development.

Adult men and women are assured of this right, under the same free conditions and with the specific facilities which the law regulates, to technical and professional education, training for employment in State companies and organizations and to courses of higher education for workers, all by way of adult education schemes."[36]

b) The right of all citizens to education also implies access for all, men and women, to the same programmes of studies and to the same examinations, to be taught by the same teaching staff, of the same professional level and with premises, equipment and resources of the same quality.

Women are also assured of the same opportunities to obtain grants and other subsidies in order to continue their studies.

c) With regard to the elimination of all stereotyped concepts in regard to the role of men and women in teaching it should be stated that the practice of co-education or mixed education is a fundamental principle of Cuban pedagogy which is applied to all types and levels of education, and as such is established in the Basic Principles of the National Education System.

To this end the Resolution on Political Education of the First Congress of the Communist party of Cuba in 1975 re-affirmed "the application of the practice of co-education in all types and levels of the National Education System, by which will be guaranteed access for women and for men to the training centres and any of the specializations and professions

which the said System offers, without prejudicial and unscientific differentiations, for the correct training in regard to the relations between persons of one or the other sex with respect to a healthy sexual education".

d) Women are in this way assured of the same opportunities for obtaining grants and other subsidies for continuing their studies.

e) As a concrete example of the unrestricted implementation of the equality between women and men regarding access to all types and levels of education it should be noted that, in the academic year 1980-1981, women accounted for 47.5% of total registrations in the various types and levels of education and reached 45.7% of registrations for technical and professional education and 50% or more in the case of education in general subjects.

These figures indicate that women have the same opportunities for access to all the educational programmes; it can furthermore be stated that in Cuba there are no detectable differences between the levels of knowledge of men and women.

f) In regard to feminine abandonment of studies it may be pointed out that the fact that the Constitution of the Republic guarantees the right to education for all persons is a determinant factor in preventing school desertion, independently of the sex of the student.

Compulsory education up to the sixth grade and the requirement of nine grades of general education for entry into higher education have contributed towards reducing levels of abandonment of studies, both for men and also for women. This is shown by an anlysis of the increase in the indices of retention per cycle, which express the number of those completing the year for every hundred starting it.

The previous statement can be confirmed by a comparison of the figures for primary education (1st to 6th grade) where the index of retention was 14.4 in the years 1961 to 1967, whereas for the years 1975 to 1981 the index has risen to 70.8

However the difference between the indices of retention in the urban and rural sectors is nevertheless noticable when it is considered that over the period from 1975 to 1981 there was an index of retention of 88.9 in the urban schools whereas it was only 50.4 in the rural schools: this was, however, much greater than the figure of 6.2 for these schools over the period 1961 to 1967. This difficultly arises from various factors which still exist in the rural areas such as the dispersion of the population, multi-level classes and others of a socio-economic character such as marriage and migration.

In the cycle from the 7th to the 9th grade the index of retention has increased from 57.6 in the period 1974 to 1977 to 65.6 from 1978 to 1981.

g) The same opportunities are guaranteed for men and women in regard to sports and physical education, as a result of the network of sports areas which exist throughout the national territory.

In this respect the Constitution of the Republic postulates the right of all to physical education, sport and recreation; it continues that "the enjoyment of this right is guaranteed by the inclusion of the teaching and practice of physical education and sports in the study plans of the national educational system; and by the extent of the instruction and resources placed at the disposal of the people, which facilitate the mass practice of sport and recreation".[36]

h) In regard to health, the well-being of the family and family planning one of the essential principles of the National Health Programme is the active participation of the community in its programmes. In these the following activities, amongst others, are being developed :

- Raising the level of health education of the population by way of educative conferences, health talks and other specific activities on the subject of health education;
- Mobilizing the population for cooperation in specific health programmes such as the immunization of children, adults, the elderly and pensioners, examinations for utero-cervical cancer, blood donor schemes, etc.;

- Participating in environmental hygiene campaigns, as for example the elimination of solid wastes, the canalization of effluents, the improvement of houses and streets and gardens in the parks;
- Strengthening the relations between the community and the services and between doctor and patient by way of the fuller participation of the population in the planning and execution of activities, thus increasing the confidence of the community in its health services;
- Participating in the activities programmed by the community polyclinics;
- Participating in the special activities of the programme for reducing infant mortality, such as the early identification of pregnant women for prenatal attention and child care by attending child welfare classes, checking high-risk children by attendance at special consultations, etc;
- Participating actively in the investigations into perinatal development and growth which have been carried out in the country;
- Providing personnel for entry into courses for nurses, nursing auxiliaries, laboratory and radiography technicians, dieticians, etc.

These tasks are being carried out with the support of non-governmental organizations such as the Federation of Cuban Women which has about 50,000 health workers who work voluntarily to prevent illness and to bring health education into the home. These workers operate in some 29,000 health micro-sectors in the urban zones and in 5,259 health posts.

In addition the National Directorate for Health Education and the National Maternity and Child Department*, in coordination with the Federation of Cuban Women and other social and mass organizations, has increased the information and dissemination of these services by means of magazines, folders and radio and television programmes.

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* 'Departamento Nacional Materno-Infantil'

THE IMPLEMENTATION OF ARTICLE 11

1 - Cuban women do not encounter, in the eyes of the law, any limitation whatsoever in regard to work, and may incorporate themselves in the active labour force of the country without any restrictions.

The juridical norm which clearly lays down the equality of opportunity for employment and treatment for women, the right to equal remuneration for equal work, the right to obtain egalitarian benefits and the protection of the female worker in regard to maternity is the Constitution of the Republic under its various articles.

a) Amongst the guarantees which the State offers in the service of the people as listed in the Fundamental Law it is stated that "there is no man or woman, capable of work, who does not have the opportunity to obtain employment by the means of which he will be able to contribute to the objectives of the society and to the satisfaction of his own needs".[37]

b) "Work in the socialist society is a right, a duty and a matter of honour for every citizen" and "is to be remunerated according to its quality and quantity".[38]

c) In addition the Fundamental Law grants the right, achieved by the Revolution, whereby the citizens, without distinction of race, colour or national origin "have access, according to their merits and capabilities, to all posts and employments of the State, in Public Administration and in the production and provision of services, and to receive equal wages for equal work".[39]

- Women have free access to all branches of the economy, and no obstacle exists to impede them. Cuban legislation establishes the full social equality of women, and in this respect they receive the same opportunities as men at all levels of education and in all fields of the economy, science and culture.

- Furthermore the Code for Children and Young Persons, which regulates the various aspects of the life of the younger generation and its duties and rights, contains additional rules which constitute a valuable educative instrument for guiding young persons in their social conduct.

- The entry of young persons into work activity determines their full responsibility in complying with the rules and discipline of work. Entry into work activity is effected fundamentally on a graduated scale of skilled worker, middle or higher level technician with the knowledge necessary for the adequate performance of their duties as a worker.[40]

- Similarly the Code offers those students who are of working age the possibility of carrying out paid work during their vacations, in accordance with their free and voluntary decisions.[41]

- The Code also establishes the possibility for every young person who leaves the polytechnic centres and other specialized studies of middle and higher level, and who has been incorporated into production, to enter the university courses for workers.[42] It is also possible for young workers to follow studies in technico-professional or university education and to enjoy the facilities which are offered for their advancement. These possibilities are offered on the basis of their occupational profiles, their merits and of social needs.[43]

d) In Cuba the wages organization is based on the principle "from each according to his capabilities, to each according to his work"[44] and a series of regulations has been promulgated to guarantee the effective implementation of this principle. The application of this socialist principle of distribution resulted in the promulgation of Resolution 24 of the Ministry of Labour, dated 3 May 1976, according to which the system of evaluation of workers was fully organized, to the end that every work post was occupied by the worker who combined the technical and practical knowledge required by the post, independently of the sex of the worker.

e) In the general context which is based on the present and future development of social security in Cuba the special protection extended to women constitutes a fundamental factor, harmoniously intertwined into the social security system, with the objective of guaranteeing that the vital exigencies of women in society will be in accord with those which all citizens of the country enjoy.

The trend to be followed in regard to social security protection for all the population, and equal to that for women in particular, corresponds fully with the objective of the socialist society to satisfy, in the best way, the always increasing needs of the people. This is precisely manifested in the Social Security Law (Law 24) of 1979.

In regard to the benefits granted by this Law women are particularly protected; from the age of 46 onwards women have only to prove a minimum of 10 years services provided to obtain a pension for total invalidity.[45]

This measure was adopted since in many cases women enter work later in life, because of the needs of the home and the care of her childre, and it is for this reason that she is granted special protection in the event of suffering total invalidity for work.

The Law gives the right to the working widow to receive, simultaneously, a pension rising to 25% of the total amount initially conceded and also the wage corresponding to her work.[46] This measure recognizes the increasing participation of women in paid employment and in the family economy, conjointly with men, so that it is necessary to compensate, if only partially, for the negative effects produced in the family by the loss of one income. It also stimulates permanency of women in their work posts and finally it eliminates any difference between the working woman and the woman who does not work in that the latter, as from the promulgation of the current Law, will be the only one who, like other families with a right to a pension, will receive help.

In the case of widows under 40 years of age and able to work a pension will be granted for a period of 2 years, at the end of which they will be able to transfer to work and so ensure a wages income.

In the case of widows over 40 years of age, or unable to work or with young children or parents to look after, a definitive pension will be granted, charged to the social security funds.

For the purpose of obtaining a pension by reason of age and years of service the working woman has to be 55 years of age or over, whereas for men the requirement is to be 60 or over, and has to have given not less than 25 years of service under normal conditions of work; this applies to both sexes.

In the case of work carried out under conditions in which the cost in physical or mental energy, or both, are such as to cause a reduction in the capability to work with years of service the requirement is to be 50 years or above in the case of women and 55 years of age or above in the case of men.[48]

The right to paid holidays, in the case of both men and women, appears in Resolution 111 enacted on 13 July 1965, and in force at the present time.

Both the right to weekly rest-days and annual paid holidays[49], like the social security system of the country[50] are guaranteed by the constitutional norm.

f) Whilst the law lays down some requirements for men and women these have as their object a greater protection of the corresponding rights, in accordance with the specific exigencies of their sex. To this end the Law on Protection and Hygiene at Work* (Law No. 13) of 1977 devotes a special Chapter to the work of women which includes the following :

- Women will not be employed in such work as may prove to be specially prejudicial to them, given their physical and physiological peculiarities.[51]

- Administrations must create and maintain adequate working conditions and the installations necessary for the participation of women in the work process.[52]

- Every pregnant woman or those with children of under one year of age have the right to be excused from overtime, double shifts or performing work away from the place where her work centre is located.[53]

- The pregant woman, who as a result of her condition is unable to carry out the tasks of the post she occupies will, subject to diagnosis, be transferred to other work consonant with her physical potentialities and will be excused from night shifts during the gestation period, this being determined by the regulating provisions.[54]

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* 'Ley de Protección e Higiene del trabajo'

2 - The protection of the woman and the child has been demonstrated as a significant feature of social policy by way of the Law on Maternity and the Female Worker* (Law 1263) of 1974, which devotes special attention to the working mother who, in addition to her important contribution to society through her participation in the procreation and upbringing of children, also performs her social duty as a worker.[55]

a) The law takes cognizance of the working woman and protects her maternity, ensuring and facilitating in a special manner her medical attention during pregnancy, her leave before and after the birth, nursing and the care of her children, and recognizes an economic benefit to meet the requirements in this respect.[56]

Resolution 2 of the Ministry of Work of 1974 regulates the responsibilities of the administrations of work centres, obliging the same to guarantee incorporation of the female worker into her work at the end of her maternity leave and to occupy the work post which she had left.[60]

b) Every pregnant worker is obliged to cease her work, whatever it is, on completion of 34 weeks of pregnancy and has the right to enjoy paid leave for a period of 18 weeks, comprising the 6 before the birth and the 12 after the same.[57]

During pregnancy, and up to 34 weeks of the same, the female worker has the right to 6 days or 12 half-days paid leave for the purpose of her ante-natal, stomatological and medical attention.[58]

Similarly, with the purpose of guaranteeing the care and treatment of the child during its first year of life, a right is established for the working mother to enjoy one day of paid leave every month to attend the pediatric attendance centre.[59]

c) The Cuban State has made, and will continue to make, great efforts to facilitate the incorporation of women into the working and social activity of the country and to allow parents to combine their family obligations with the responsibilities of work and participation in public life.

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* 'Ley sobre la Maternidad de la Trabajadora'

Amongst the measures taken to achieve these objectives is the construction of child creches and the creation of semi-boarding establishments where the child receives his food and where he may remain until the end of the working day, the construction of boarding schools where the pupil lives during the week, the creation of workers canteens where, at moderate prices, the worker can obtain his meals, the creation of priority shopping systems for working women which facilitate this task, the introduction of flexitime in trading establishments to facilitate the acquisition of industrial and food products, together with special plans for laundries and dry cleaners, the organization of vacation programmes during the school holidays, and the production of ready-cooked, frozen and tinned foods.

d) As pointed out above the pregnant woman is protected against work which could prove prejudicial for her. To this end the 1977 Law on Protection and Hygiene at Work establishes the transfer to another work post in accordance with her physical possibilities, as determined by the medical diagnosis. However they may work night shifts.

3 - In the field scientific and technological investigations and knowledge in regard to protection at work work is being continued, with the object of introducing the results into the national economy and of adapting it to the current legislation.

To this end work is being carried out on the following subjects at the present time :

- A study of the physiological response of telephone operators.
- Safe working conditions for women in the building sector.
- Protection of women workers from chemical risks.

THE IMPLEMENTATION OF ARTICLE 12

1 - In Cuba health is a right for all individuals and a responsibility of the State. The Constitution of the Republic establishes that everyone has a right to whatever relates to and protects their health, guaranteeing this right :

- by the provision of free medical and hospital assistance, through the network of installations for rural medical services, polyclinics, hospitals and specialist treatment and prophylaxis centres;
- by the provision of free stomatological assistance;
- by the development of health dissemination plans and health education, periodical medical examinations, general vaccination and other means for preventing illnesses. All the population cooperates in these plans and activities through the social and mass organizations.[61]

In Cuba there is a national health system developed on the basis of the following principles :

- The health services must provide the greatest accessibility for all the population. This is possible since complete coverage of the services has been achieved for the whole of the country, from the geographical, legal, economic and cultural point of view.

  The geographical coverage is ensured by means of a network of services distributed rationally over the whole of the territory, with units of various levels of complexity, coordinated amongst themselves, forming a system of service regionalization.

  The legal coverage is guaranteed by a legislation which protects the right of the population to the use of the services, without discrimination of any type. Economic limitations do not exist, since the services are provided free of charge even for the most costly components, hospitalization (including the medicaments), medical consultations and complementary examinations.

- The health services are of an integral type, including medical attention to individuals and attention to the physical, biological and social environment.

- The community actively participates in the development of the health system programmes, this being done by way of the social organizations. The fundamental tasks being undertaken are the following :
  - raising the level of health education of the population;
  - obtaining the effective support of the population for health, vaccination, mass health examination and blood donor programmes;
  - strengthening service-community and doctor-patient relationships;
  - increasing the confidence of the community in its health services.

The single National Health Service, based on the principle of regionalization and the support of both larger, and more highly developed, and smaller, and less developed, units, offers free preventive and curative services to all the population.

For this purpose there were, in the country and in January 1981, 258 hospitals, 151 rural medical stations, 134 stomatological clinics, 68 maternity homes, 7 psychiatric day-clinics, 2 spas, 61 geriatric homes, 17 homes for the physically and mentally subnormal, 1415 pharmacies and 88 opticians.

From the time the system was established priority attention has been given to the rural zones by means of the Social Service Law (Law 1254 of 2 August 1973), by which every medical graduate must offer his services, for a period of three years in the rural zones of the country.

The Ministry for Public Health has developed a Programme for Integral Attention for Women, given priority by the health organization. This programme will be executed through the resources of the national health system.

Family planning services, together with attention to adolescents and to women in the years following procreation, will be included in the Programme for Integral Action for Women. During recent years the health

actions related to these aspects have increased, from 1978 with the new programme in which these aspects appear as defined objectives.

The distribution of free contraceptives is included within the actions of this programme, offering I.U.D. in its own hospitals and polyclinics; the remaining methods are found on sale in the pharmacies of the country.

From 1974 onwards new and important actions were undertaken to increase the services offered by the National Health System in regard to fertility. Sterility and subfertility are treated at special consultations in the teaching hospitals and polyclinics in the 14 provinces.

In this field the National Group for Sexual Education was created in 1977; this is of a multi-disciplinary nature, with the participation of the Ministries of Education and Public Health, the Federation of Cuban Women, the Union of Young Communists and other organs and organizations within the Permanent Commission of the National Assembly devoted to youth, children and the equality of women's rights.

The following are included amongst the functions of the Group: the production of basic information and guidance materials, the development of the methodology for training field specialists in medicine, psychology and education and who will be responsible for putting into practice the sexual education programme, together with prophylaxis and therapy in regard to sexual problems. In 1981 five books were produced on this subject for children and young persons of various age groups, parents, teachers, doctors, etc., with a total print run of 500,000 copies.

Similarly work was carried out on the guidance and education of parents, children and young persons by programmes carried out in child creches, schools, the mass media, conferences, seminars and various other means for eliminating the ignorance and taboos which had existed for centuries in the field of sexuality.

2 - In regard to the appropriate services concerning pregnancy, child-birth and post-natal care the following actions were undertaken :

Reception of pregnant women at prenatal consultations before 13.6 weeks of gestation; to offer an average of 10 consultations,

during which complete physical, obstetrico-gynaecological, haemoglobin, haematocrit, blood grouping, Rh factor, serological and other examinations are carried out, together with stomatological attention, methods of psychoprophylaxis, toxoid-tetanus immunization, cytological testing and the risk classification of pregnant women. Also included are health education in maternal hygiene and the care of the newly-born, the referring of high obstetric risk women to special consultations or to hospitalization or for transfer to maternity homes in the case of those living at a distance or experiencing transport problems, or to guarantee rest or health education.

Skilled hospital attention is available to all women at the time of birth and during the immediate and subsequent postnatal periods.

In regard to the attention which is offered during the postnatal period consultations are carried out in the 45 days subsequent to the birth, with field visits during the fortnight after discharge from the hospital. Also offered are health education during the postnatal period and for the care of the newly-born, together with the provision of contraceptive methods for all mothers.

In regard to the nutritional needs of the Cuban population in general, and of women in particular, the Ministry for Public Health approved the National Nutritional Programme, with the collaboration of UNICEF and OPS/WHO, with the aim of carrying out an investigation of the knowledge, attitudes and food habits of the population in order to improve their nutritional state.

Similarly the Government has approved the creation of the National Commission on Human Foodstuffs and Nutrition*, a major multisectorial collective which has, as its principal function, the dissemination and evaluation of a national policy on the subject. Amongst its activities the Commission initiated a pilot study in the various provinces of the country, during 1977, 1978 and 1979, on the habits and attitudes of the population, the subsequent advances in nutritional education and the changes in attitudes produced by this action.

* 'Comisión Nacional de Nutrición y Alimentación Humana'

Another measure taken in this respect was the creation, in 1976, of the Institute for Nutrition, where 30 medical professionals specialize in nutritional teaching.

At the same time the state administration educates the population in these basic aspects through the mass media such as the press, radio and television.

In addition the workers - men and women - use extensively the system of collective feeding, with figures of more than a million and a half persons.

The fact must not be ignored that Cuba practices a policy of equitable distribution of foodstuffs which covers the population in general, whilst its major support is directed towards the nutritional protection of the more vulnerable groups such as children, pregnant women, the elderly and the sick. The availability factors regarding foodstuffs are not debatable in our society, where pregnant women are guaranteed a supplementary diet during the period of gestation.

THE IMPLEMENTATION OF ARTICLE 13

a) The 1975 Family Code establishes the right to family benefits under conditions of equality between men and women considering, amongst these, the essential necessities in regard to sustenance, housing and clothing.[62]

The following are obliged, reciprocally, to provide food[63]:

1) spouses
2) forebears and descendants
3) adopters and adoptees
4) brothers and sisters, irrespective of their links.

b) Since the Constitution of the Republic grants the same social, economic, political and family rights to men and women it also grants the latter the right to obtain bank credits and other forms of financial credit in accordance with the specifications in this respect established by the Civil Code of 5 November 1889 under the Heading devoted to Loans.[64]

c) The Fundamental Law of the Republic postulates freedom in artistic creation and of forms of expression in art, provided always that its content is not contrary to the Revolution; the promotion and development of artistic education, the vocation for the creation and cultivation of art and the capability to appreciate it; the guidance, development and promotion of physical culture and sports in all their manifestations and the promotion of the participation of citizens through the social and mass organizations in the realization of its educational and cultural policy.[65] (Article 38, subparagraphs (d), (e), (h) and (j)). In addition it recognizes the right of all to physical education, sport and recreation.

The enjoyment of this right, recognized by the constitutional norm, is guaranteed by the inclusion of the teaching and practice of physical education and sport in the study curricula of the national education system; and by the extent of the instruction and the resources made available to the people which facilitates the massive practice of sport and recreation.[66]

The Code for Young People and Children also postulates the obligation of the State to guarantee the permanent utilization of the appropriate

installations for cultural, sporting and recreational activities, and facilitating their use by the juvenile and pioneer organizations.[67]

In addition the Code establishes the promotion of the practice of sport, principally for children and young persons[68], together with the development of recreational activities for them[69], since it is considered that "recreation constitutes an important factor in canalizing the needs and interests of children, adolescents and young persons and contributes towards the conversion of their free time into a healthy form".[70]

THE IMPLEMENTATION OF ARTICLE 14

1 - The rural Cuban woman, with the isolated way of life to which she had been subjected, has experienced profound economic and social transformations over the last two decades.

After the process of land tenancy reform, the product of the Agrarian Reform laws of 1959 and 1963, the transformations in the forms of agricultural production continued, with individual ownership disappearing and being replaced by forms of collective ownership.

It must be emphasized that Cuban agriculture comprises the State and private sectors. The private sector possesses 21% of the land and groups together about 174,000 holdings. Of these 35% are united in Agricultural Production Cooperatives, the remaining 65% being independent producers. Those farmers who are not integrated into the state sector belong to the National Association of Small Farmers* (ANAP).

a) This Association, created by the wishes and desires of Cuban farmers, is the mass organization representing their economic and social interests and the conditions existing in every place.[71] There are a total of 204,248 members; of these 180,629 are men and 23,619 are women.

The General Regulations establish that "the peasant possessing a plot of land by virtue of being the owner or joint owner, or having any other legal tenancy, and whose economy depends fundamentally on the income from agricultural production, together with the spouse, children and other members of the family, of both sexes, connected with the production, whether on the farm or in a cooperative" may be a member of the Association.[72]

The Association will be integrated through basic organizations which include agricultural production cooperatives and credit and services cooperatives.[73]

Amongst the functions of the basic organizations are the following :

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* 'Asociación Nacional de Agricultores Pequeños'

- To participate actively in drawing up plans for agricultural production and sales to the State.
- To contribute towards drawing up the Plan for technical and material supplies, checking its implementation and participating in the distribution of the resources.
- To plan, contract and execute, with the support of the social and cooperative funds, those investments which will be to the cultural and social benefit of its adherents, together with investments of a productive character.[74]

The Agricultural Production Cooperative is the voluntary union of farmers who unite their farms and other means of production so as to work collectively.[75]

Amongst its functions and duties are to work so as to achieve the active participation of women in the economic, political, ideological and social life of the cooperative, facilitating their incorporation in the work and in the tasks of direction and administration.

To these ends the cooperative encourages crops and stock-breeding together with the domestic arts and handcrafts which make this incorporation possible.[76]

At the present time more than 12,000 women are incorporated in the Agricultural Production Cooperatives, representing 28% of the total membership, and there are 3,575 women, or 11%, on the Directing Boards of these basic organizations.

The Credit and Services Cooperative is also a voluntary association of farmers who have decided to unite - maintaining the ownership of their farms and other means of production - for the purpose of receiving the technical and material and financial aid which the State offers in order to achieve greater efficiency in their production yields.[77]

As a member or partner in these organizations women have a voice and a vote in the discussion and analysis in regard to the formulation and application of the planning of rural development plans, and have the right to elect and be elected as a member of the directorates of these organizations at the various managerial levels.

In the state agricultural sector rural women have been incorporated into paid work, looking after various production items.

The creation of state agricultural enterprises from 1963 onwards, and their subsequent development during the seventies, has allowed the large-scale introduction of mechanization, irrigation, artificial insemination, animal genetics and other techniques of agricultural production; this has facilitated the incorporation of women in agriculture, particularly since 1972.

In 1979 the agricultural enterprises of the Ministry of Agriculture employed 77,200 women, accounting for 13.4% of the permanent agricultural work force, excluding those in the cultivation of citrus fruits and in fishing.

At the present time about 8,500 women work as technicians; more than 1000 women have managerial posts, whilst nearly 18,000 are employed in administrative work.

Since the country has a centrally planned economy the production plans for the state enterprises are discussed and analysed before they are drawn up, on the basis of the control figures which the State presents to each entity in accordance with the needs of the dynamic development of the Cuban economy.

The women who are incorporated in these collectives logically participate in these discussions. Once they are approved their monthly implementation is checked at meetings of all the workers in the enterprise.

b) Public health is guaranteed to all Cubans, free of charge, including those who live in the most distant parts of the country, as postulated by the constitutional norm.[78] In 1980 there were 53 hospitals, 151 medical posts and 77 polyclinics in the rural communities.

In these installations, and in addition to a curative medical service, a guidance service on preventive medicine and family planning is also provided.

In addition the basic organizations of the National Association of Small Farmers, in conjunction with the Federation of Cuban Women select health squads or health activists to provide assistance to the polyclinics in regard to first aid for the population. Training courses are organized by skilled personnel to help them in their work. At the meetings of these organizations informal and formal health education conferences are regularly held, and health guidance is given on the prevention of illnesses and on other subjects connected with public health.

The National Union of Agricultural and Forestry Workers* also carry out similar activities at a basic level through their respective fronts.

With a view to protecting health and safety at work, including safeguarding the reproductive function of women, and in addition to those postulated by the Law on Protection and Hygiene at Work of 1977, there are other regulations which prohibit a whole range of agricultural jobs.

c) The agricultural female worker enjoys the benefits of the Law of Maternity of the Working Woman** of 1975, in equality with other female workers in other productive sectors. However the rural woman integrated into cooperatives has the right to receive economic aid in the event of illness, accidents at work and other causes, including maternity, towards which the agricultural cooperatives devote a part of their funds.[79]

d) The rural woman has the same rights as a man in regard to obtaining all types of training and education. In addition to the study curricula included within the national educational system the National Union of Agricultural and Forestry Workers* is involved in the task of ensuring that all its members attain the ninth grade of schooling during the coming years. Schoolrooms are being built for this purpose in the agricultural enterprises and other work centres. The same possibilities are being extended to the non-state rural sector through the National Association of Small Farmers and the Federation of Cuban Women.

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* 'Sindicato Nacional de Trabajadores Agropecuarios y Forestales'

** 'Ley de Maternidad de la Mujer Trabajadora'

In the training system of the Ministry of Agriculture 10% of the registrations for courses on labour subjects are women; in the case of courses on surveying and on plant health the figure rises to 20%, and in courses for managerial staff it reaches 5%. These courses have been developed independently of the education and training system of the Ministry of Education and the Ministry of Higher Education, into which rural women are also incorporated.

The National Association of Small Farmers (ANAP) offers a plan for short technical courses on plant health, and rural women participate in these. In 1981 this plan involved the assistance of more than 119,000 rural workers.

e) In order to provide opportunities for women to become integrated into employment the opportunity exists for temporary agricultural work during the picking or harvesting of some products. This work is done in coordination with the Federation of Cuban Women, and at the present time there are 3,786 integrated squads with 43,777 women who receive a wage equal to that of the remaining rural workers and depending on the work which they carry out.

f) Rural women participate in all the community activities, through the union, the National Association of Small Farmers, the Federation of Cuban Women and other social organizations, which organize sporting, cultural and recreational activities. In the rural sector, in 1981, 1700 sporting teams were formed and 1182 cultural groups; hundreds of films were shown and 816 excursions were arranged. In the rural areas there are 1847 social circles which organize recreational and cultural activities.

g) In the matter of obtaining agricultural supplies and credits the National Bank of Cuba granted 141 million Pesos in loans to the rural sector in 1981: 88m for production and 53m for investments. This is the largest sum granted during the last five-year periods and reflects the growing and dynamic management being carried out by farmers, and in particular those in the cooperatives.

h) The improvements in living standards, particularly in the more distant parts of the country, is the subject of ongoing attention. Altogether 250 communities have been constructed with 38,764 dwellings, to the benefit of a population totalling 186,599, of which 86,633 are women.

In these new rural communities there are 359 trading centres, 36 child creches, 173 primary schools, 81 primary boarding establishments and 77 polyclinics. Of these communities 196 have water supply systems, 129 have mains drainage and 209 have electric light.

In addition some 181 dwellings have been constructed up to the present time in the agricultural production cooperatives, and more than 1800 are under construction with the minimum amenities of a rural dwelling; many of these will be supplied with electricity.

Nevertheless there is still much to be done in regard to the living conditions, above all in the most remote areas, and the Government is investing considerable resources to this.

THE IMPLEMENTATION OF ARTICLE 15

1 - The Constitution of the Republic[80] and the Family Code[81] lay down the absolute equality of rights of women as compared with men. (Articles 40 and 41 and Article 1 respectively). The current civil legislation makes no distinctions between the sexes.

2 - Starting from the constitutional principle set out above Cuban laws specify, in every case, the equality of women and their identical juridical capacity to men in regard to the institutions of marriage, divorce, parent-child relationships, the obligation to provide sustenance and other requirements. (Family Code, Articles 1, 2, 34, 35, 37, 53, 83 and 123).

Full juridical capacity is acquired with age, and the law determines special cases in regard to penal, labour, electoral and civil law, without this contemplating any sexual differentiation content.[83]

In the matrimonial community of possessions either of the spouses may effect, indifferently, acts of administration and the acquisition of those goods which, by their nature, are intended for the ordinary use or consumption of the family.[84] The Code does, however, prohibit either of the spouses from effecting acts of dominion relating to the possessions of the matrimonial community without the prior consent of the other spouse, except in the cases of claims on behalf of the community.[85]

Equally the Law of Civil, Administrative and Labour Proceedings* guarantees the equality of rights between men and women when appearing in a judicial process and to make claims before the tribunals, provided that they are possessed of the full exercise of their civil rights.[86]

3 - The Civil Code declares that contracts are null and void when they are executed contrary to the provisions contained in the law.[87] As a consequence any contract which tends to limit the juridical capacity of women is null and void since it contravenes, inter alia, the provisions contained in the Constitution of the Republic.

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* 'Ley de Procedimiento Civil, Administrativo y Laboral'

4 - In order to guarantee the equality of rights between men and women the Constitution lays down that the latter enjoy the full exercise of their right to circulate freely and to elect their own residence and domicile.[88]

THE IMPLEMENTATION OF ARTICLE 16

1 - The equality of citizens, as a principle which is to be completely and expressly materialized in the precepts of Cuban legislation is recognized in the first paragraph of the preamble to the Family Code of 1975.[89] This juridical norm, promulgated by Law No. 1289, regulates matrimonial, parent-child, family, parental and quasi-parental relationships in Cuba.

On the entry into force of the Family Code on 8 March 1975 there was derogated all the prior legislation on Family Law which was contained in the Spanish Civil Code which had been in force in Cuba since 1889, and in the subsequent legal provisions, in particular the Decree-Law No. 206 of 10 May 1934 on Divorce and Law 9 of 20 December 1950 relating to the rights of women in the spheres of matrimony and family relationships.

The precepts contained in the Code were subsumed in the Cuban constitutional norm of 1976, which dedicates a chapter of its text to the family.

In its articles the Constitution proclaims the protection extended by the State to the family, to maternity and to matrimony.[90] It defines Matrimony in the same way as the Family Code and establishes the absolute equality of the rights and duties of the spouses, who must attend to the maintenance of the home and to the integral training of the children through their joint efforts.

In addition the Fundamental Law establishes the equality of all children[91] and the duty of both parents to provide them with food, to assist them in the defence of their interests and to contribute towards their integral training and education.[92]

a) In order to ensure the validity of the principal of juridical equality of men and women in their family relationships the Family Code has transformed the concept and the juridical nature of matrimony, recognizing it as "the voluntarily contracted union of one man and one woman, with legal effect, for the purpose of leading a life in common".[93] That is to say that, by a simple juridical act, this definition of matrimony sets forth the voluntary nature and immediate effect which it has on the spouses and on the children to be procreated.

b) The Family Code considers matrimony as the voluntary and free union of one man and one woman in order to share their life, in accordance with the rules established in this matter.

By this definition is established the voluntariness and the freedom of the man and the woman to contract matrimony; this prohibits marriages which have been arranged in the interests of the parents of the partners or those marriages which are against the wishes of those concerned.

c) All the articles of the Family Code implicitly assume the principle of the equality of rights and duties of the spouses, but during the marriage and also on the occasion of its dissolution.

By constituting matrimony on the basis of the equal rights and duties of both spouses[94] the Code proclaims in this respect that they must live together, maintaining loyalty, consideration and due respect and giving mutual support.

It is also added that "the duties and rights established by the Code for both spouses subsist integrally for as long as the matrimony is not legally extinguished, even if they do not maintain a common home for a justified reason".[95]

Equally the norm obliges both spouses to care for the family which has been created and to cooperate, one with the other, in the education, training and guidance of the children, to participate in the management of the home and to cooperate in the better development of the same,[96] and to contribute towards meeting the needs of the family which has been created through the marriage.[97]

In regard to the dissolution of the marriage bond the action of divorce may be exercised impartially by either of the spouses.[98] In the declaration of divorce the tribunal will pronounce on the matter of parental authority, establishing as a general rule that both parents retain authority over their under-age children.[99] Similarly the maintenance of the under-age children is the responsibility of both parents.

The Code also establishes the right of either of the spouses to petition for a declaration of nullity of the marriage.[100]

d) The Family Code has codified in its articles the interest of the State in ensuring that the parents fulfil their duties in regard to their children, whatever their civil state, and that the minors should be educated, trained and developed in an adequate family environment, nearby or with the direct and constant attention of their parents, adopters or guardians.

This interest of the State heightens the importance of the exercise of parental authority by the parents.

According to the Code under-age children - less than 18 years old - remain under the parental authority of their parents, who exercise this conjointly, and which includes the following rights and duties of both the parents :

1 - To maintain the children under their guardianship and care, making every effort to ensure that they are provided with a stable home and adequate food and caring for their health and personal cleanliness; to provide them with their own recreational resources and to give them due protection; to look after their good conduct and to cooperate with the corresponding authorities to overcome any environmental state or situation which would unfavourably affect their development.

2 - To attend to the education of the children, and to inculcate in them a love of learning; to ensure their attendance at the educational centre at which they are registered; to ensure their adequate technical, scientific and cultural advancement.

3 - To direct the training of the children for social life; to inculcate a love of their Fatherland, respect for its symbols and to give due esteem to its values, to the internationalist spirit, the norms of community life and socialist morals and respect for the inheritance of society together with the property and personal rights of others, inspiring by actions and behaviour the respect due to parents and teaching them to respect the authorities, their teachers and other persons.

4 - To administer and care for the property of the children with the utmost diligence, to ensure that the children enjoy and use properly the property which belongs to them; and not to transfer, exchange or cede such property, except in the interests of the minors themselves.

5 - To represent the children in all the juridical acts and affairs in which they have an interest, to act for them in such activities where the full capacity to act is required and to exercise duly and opportunely those actions which correspond to them in law.

e) The same rights to decide freely on the number of children and the spacing between the births is subsumed in the constitutional principle of the absolute equality of the rights of spouses.

f) The institutions of adoption, guardianship and care and control are regulated by the Family Code which at all times follows the constitutional principle of the equality of rights and duties of the spouses and of all the children, conceived within or outside the marriage.[101]

g) The wife and husband equally maintain their corresponding surnames, that is to say as the first surname the first surname of the father and, as the second surname, the first surname of the mother.[102]

In addition the family norm establishes the equality of right of the spouses to exercise their professions or occupations, together with the duty of both to offer reciprocal cooperation and aid so as to undertake studies or to advance their knowledge, taking care in all cases to organize the life of the home in such a way that such activities may be coordinated with the fulfilment of their obligations.[103]

h) The rights of each of the spouses in the matter of ownership, buying, management or administration being comprised within the matrimonial community of possessions are equal for either one of them, and may be exercised impartially or by common agreement.[104]

Furthermore the Family Code prohibits the spouses from effecting acts of dominion relating to the matrimonial community of possessions, without the prior consent of the other spouse.[105]

A N N E X

NOTES : -

1. Constitución de la República, 24 February 1976, Article 40.

   "All citizens enjoy equal rights and are subject to equal duties".

2. Idem, Article 41.

   "Discrimination by reason of race, colour, sex or origin is proscribed and is punished by the law.

   The institutions of the State educate all, from the earliest age, on the principle of the equality of human beings".

3. Código de la Niñez y la Juventud, 4 August 1978, according to which :

   "The equality of citizens, in the full acknowledgement and the real possibility of the exercise of political rights and the elimination, in the juridical regime of the family, of all discrimination against the woman and of any distinction of inferiority amongst the children, are principles of the socialist society, materialized in the Constitution and in the laws won by the Revolution, and which guarantee to every man or woman the possibility of obtaining employment, the means of subsistence to those who are unable to work, and also that there shall be no child without schooling, food or clothing; that there shall be no sick person without medical assistance; that there shall be no person who does not have access to education, culture and sport, and will work to ensure that there is no family which does not have a comfortable dwelling".

4. Idem, Article 3

   "The communist training of the younger generation is an esteemed aspiration of the State, the family, educators and the political, social and mass organizations which act constantly so that, in the proper duty of socialist construction, there should arise and be developed in children and young persons those ideological values of communism and the attributes and qualities which will permit them to fulfil their role as the inheritors, active participants and continuators of the revolutionary work, inculcating and promoting in them :

   - the feelings of equality, opposed to all discrimination and underrating for reasons of sex, race, colour of skin, national origin or other motive."

5. Constitución de la República. Article 43.

   "Women enjoy equal rights to men in the economic, political, social and family spheres.

   In order to guarantee this right, and especially the incorporation of women in social work, the State will see to the fact that they will be provided with work positions compatible with their physical constitution; granting them paid leave for maternity, before and after childbirth; will organize institutions such as infant creches, semi-boarding and boarding schools, and will make every effort to create all the conditions favouring the realization of the principle of equality."

6. Idem, cited under 5. above.

7. Constitutión de la República, cited under 1. and 2. above.

8. Código de la Niñez y la Juventud, cited under 3. above.

9. Código Penal (Law No. 21) of 15 February 1979, Article 349.1.

"Anyone who discriminates against another person or who promotes or incites discrimination, with its manifestation and ill intent, by reason of sex, race, colour or national origin, or those actions which raise obstacles against or impede, for reasons of sex, race, colour or national origin, the exercise or enjoyment of the rights to equality established in the Constitution, incurs the punishment of deprivation of freedom for six months to three years, or a fine of two hundred and fifty quotas, or both."

10. Idem, Article 349.2.

"The same punishment is incurred by anyone who disseminates ideas based on racial hate or superiority, or who commits acts of violence or incites others to commit them against any race or group of persons of another colour or ethnic origin."

11. Ley de Organización del Sistema Judicial (Law No. 4) of 12 August 1977, Article 13.

"Judicial activity is fundamentally based on the following principles :

1. The sentences or judgements of the Tribunals are pronounced in the name of the people of Cuba;
2. Judges, in their function of imparting justice, are independent and owe no obedience other than to the Law;
3. The judicial function is exercised in conformity with that established by the Law;
4. Justice is dispensed on the basis of the equality of all citizens before the Law and the Tribunal;
5. Only Tribunals which, in conformity with the Law, are competent to impose punishment for acts which constitute offences;
6. Every accused person has the right to be defended;
7. The hearings of the judges are public apart from those cases excepted by the Law;
8. Justice is dispensed free of charge.

12. Constitución de la República, Article 123, (d) and (e).

"The activity of the tribunals has, as its principle objectives :

(d) to protect the life, liberty, dignity, honour, patrimony, family relationships and other rights and legitimate interests of the citizens;

(e) to prevent violations of the law and antisocial conduct, reprimanding and re-educating those who indulge in these and re-establishing the authority of the legal rules where necessary against their infraction."

13. Idem, Article 130.

"The primary objective of the Fiscalía General de la República is the control of socialist legality on the basis of vigilance over the strict application of the law and other legal provisions, by the State organizations, social and economic entities, and by the citizens.

The law determines the form, extent and opportunity within which the Fiscalía exercises the powers for the stated object."

14. Ley de Organización del Sistema Judicial, Article 106.

"The control of socialist legality is exercised on the basis of vigilance over the strict application of the Law and other legal provisions, by the State organizations, social and economic entities, and by the citizens.

To this effect the following functions are attributed to them :

2. To inform, in the exercise of the function of vigilance which is their responsibility, the superior organ which has enacted the provision or resolution, or executed the act which is felt to be illegal, to the end that the resultant measures be adopted.

Organizations which receive requests for data or other requirements from the Fiscal must reply to the latter within 20 days and not to require him to communicate with the superior of the official concerned and, in that case, with the Consejo de Ministros."

15. Constitución de la República, Article 65.

"The strict application of the Constitution and the laws is an unavoidable duty of all."

16. Idem, cited under 9. and 10. above.

17. Ley de Tránsito Constitucional, 24 February 1976, Article 1, eleventh provision.

"The laws, law-decrees, decree-laws, agreement-laws, decrees ('leyes, leyes-decretos, decretos-leyes, acuerdos-leyes, decretos') and other legal provisions enacted prior to 24 February 1976, retain their validity in totality when they are compatible with the Constitution, so long as they have not been legally modified or derogated.

The incompatibility with the Constiution of any legal provision promulgated prior to the constitution of the Asamblea Nacional del Poder Popular, so long as the latter is not constituted, will be correspondingly declared to the Consejo de Ministros.

Whilst it remains in force, totally or partially, any law, decree-law, law-decree, agreement law, military order of the transitional governments and other legal provisions promulgated or put into effect prior to the constitution of the Asamblea Nacional del Poder Popular, may be modified or derogated, totally or partially by the authority of the Consejo de Estado between one or other period of the sittings of the Asamblea Nacional, provided that a report is given to the Asamblea Nacional at its next sitting, to the end that the said modification or derogation may be ratified or not."

18. Código de Familia (Law No. 1289) of 8 March 1975, Article 24.

"Matrimony is constituted on the basis of the equality of the rights and duties of both spouses."

19. Idem, Articles 26 and 27.

"Both spouses are obliged to care for the family which has been created and to cooperate, one with the other, in the education training and guidance of the children in accordance with the principles of socialist morals. Equally, and to the extent of the capabilities and possibilities of each, they must participate in the management of the home and cooperate in the better development of the same."

Article 27 : "The spouses are obliged to contribute towards meeting the needs of the family which the matrimony has created, each one according to their economic capability and abilities. Nevertheless, if one of them only contributes to this subsistence by their work in the home and in the care of the children, the other spouse must contribute solely to the said subsistence without prejudice to their duty to cooperate in the said work and care."

20. Constitución de la República, Article 86 (d).

"The initiative for laws comes under the competence of :

(d) the Comité Nacional de la Central de Trabajadores de Cuba and the Direcciones Nacionales of the other social and mass organizations."

21. Código Penal, Article 77 (c), (ch), (d).

"A state of danger is noted when any of the following indices of dangerousness is found in the subject :

(c) procuring;
(ch) the exercise of prostitution;
(d) the exploitation or exercise of socially reprehensibe vices."

22. Idem, Article 82.

"On the declaration by the corresponding process of a state of danger the most suitable means of preventive security from amongst the following may be imposed :

(a) therapy;
(b) re-education;
(c) supervision by the organizations for preventing offences."

23. Idem. Article 18.4.

"In cases of personal wrong or attacks on collective human dignity, or in those cases laid down by international treaties, the perpetrators are all those penally responsible, whatever their form of participation."

24. Constitución de la República, Article 8 (a).

"The socialist State :

a) realizes the wish of the working people, and

- directs the efforts of the nation to the building of socialism;
- maintains and defends the integrity and sovereignty of the fatherland;
- guarantees the liberty and full dignity of man, the enjoyment of his rights, the exercise and fulfilment of his duties and the integral development of his personality;
- reinforces the ideology and the norms of communal life and the proper conduct of society, free from the exploitation of man by man;
- protects the creative work of the people and the property and the wealth of the socialist nation;
- directs the national economy by means of planning;
- ensures the educational, scientific, technical and cultural advance of the country."

25. Idem, Article 134.

"In every election and in referenda the vote is free, equal and secret. Each elector has the right to a single vote."

26. Idem, Article 135.

"All Cubans, men and women, over sixteen years of age, have the right to vote, excepting :

a) those mentally incapable, subject to judicial declaration of their incapacity;
b) those judicially incompetent for committing an offence."

27. Idem, Article 136.

"All Cuban citizens, men and women, who are in full enjoyment of their political rights, have the right to be elected.

If the election is for deputies to the Asamblea Nacional del Poder Popular they must, in addition, be over eighteen years of age."

28. Ley Electoral (No. 1305) of 7 July 1976, Article 2.

"In conformity with that which is laid down in the Constitution :

a) all Cuban citizens, men and women, including the members of the armed forces, and who have reached sixteen years of age, have the right to vote in the elections for Delegates to the Asambleas Municipales del Poder Popular and in referenda.

Excluded from the exercise of this right are those mentally incapable, subject to judicial declaration of their incapacity, and those judicially incompetent for committing an offence;

b) all those citizens with the right to vote and who are also in full enjoyment of their political rights, have the right to be elected as Delegates to the Asambleas Municipales y Provinciales del Poder Popular;

c) those Cuban citizens who, in addition to being in full enjoyment of their political rights, have reached the age of eighteen, have the right to be elected Deputies to the Asamblea Nacional del Poder Popular."

29. Constitución de la República, Article 42.

"The State grants the right, won by the Revolution, whereby the citizens, without distinction of race, colour or national origin :

- have access, according to their merits and capabilities, to all posts and employment of the State, of the Public Administration and in production and the providing of services;
- may ascend to all ranks in the revolutionary armed forces and in security and internal order, according to their merits and capabilities;
- receive equal wages for equal work;
- enjoy education in all the teaching institutions of the country, from primary school up to the universities, which are the same for all;
- receive medical assistance in all the hospital installations;
- may live in any sector, zone or district of the towns and may stay in any hotel;
- are served in all the restaurants and other establishments of the public service;
- may use, without separation, maritime, rail, air and motor transport;
- enjoy the same spas, beaches, parks, social circles and other centres of culture, sport, recreation and relaxation."

30. Reglamento General de los Organismos de la Administración Central del Estado (Decree No. 1) of 1978, Article 32.

"The directors, officials and other workers in the organizations have the following duties and rights, authorities and functions :

h) to have access, according to their merits and capabilities, to all the posts within the organizations."

31. Idem, cited under 29. above.

32. Constitución de la República, Article 28

"Cuban citizenship is acquired by birth or by naturalization."

33. Idem, Article 31.

"Neither matrimony nor its dissolution affects the citizenship of the spouses or of their children."

34. Idem, Article 29.

"The following are citizens by birth :

a) those born within the national territory, with the exception of the children of foreigners who are employed in the service of their government or of international organizations;

b) those born abroad of a Cuban father or mother who is carrying out an official mission;

c) those born abroad of a Cuban father or mother, subject to complying with the formalities which the law lays down;

ch) those born outside the national territory of a father or mother, native of the Republic of Cuba who had lost this nationality, provided that it is claimed in the form laid down by the law;

d) those foreigners who, for exceptional merit shown in the struggle for the liberation of Cuba, are considered Cuban citizens by birth."

35. Idem, Article 51.

"All have a right to physical education, sport and recreation.

The enjoyment of this right is guaranteed by the inclusion of the teaching and practice of physical education and sport in the study plans of the national educational system; and by the extent of the instruction and resources placed at the disposal of the people, which facilitate the mass practice of sport and recreation."

36. Idem, Article 50.

"All have the right to education. This right is guaranteed by the extensive and free system of schools, semi-boarding and boarding establishments and grants, in all types and levels of teaching, and by free school materials, so giving to every child and young person, whatever the economic situation of their family, the opportunity to follow studies in accordance with their aptitudes, with social exigencies and with the needs of economico-social development.

Adult men and women are assured of this right, under the same free conditions and with the specific facilities which the law regulates, to technical and professional education, training for employment in State companies and organizations and to courses of higher education for workers."

37. Idem, Article 8.

"The socialist State :

a) realizes the wish of the working people, and

- directs the efforts of the nation to the building of socialism;
- maintains and defends the integrity and sovereignty of the fatherland;
- guarantees the liberty and full dignity of man, the enjoyment of his rights, the exercise and fulfilment of his duties and the integral development of his personality;
- reinforces the ideology and the norms of communal life and the proper conduct of society, free from the exploitation of man by man;
- protects the creative work of the people and the property and the wealth of the socialist nation;
- directs the national economy by means of planning;
- ensures the educational, scientific, technical and cultural advance of the country."

38. Idem, Article 44.

"Work in the socialist society is a right, a duty and a matter of honour for every citizen.

Work is remunerated in accordance with its quality and quantity; in determining this attention will be paid to the exigencies of the economy and of society, the calling of the worker and his aptitude and skill; it is guaranteed by the economic and social system, without crisis, and by this there has been eliminated unemployment and the abolishing for ever of the seasonal unemployment termed "dead time".

It recognizes voluntary and unpaid work, carried out to the benefit of all society, in the industrial, agricultural, technical, artistic and service activities, as formative of the communist conscience of our people.

Every worker has the duty to fulfil properly the tasks which correspond to his employment."

39. Idem, cited under 29. above.

40. Código de la Niñez y la Juventud, Article 45.

"The entry of young persons into work activity determines their full responsibility in complying with the rules and discipline of work. Entry into work activity is effected fundamentally on a graduated scale of skilled worker, middle or higher level technician with the knowledge necessary for the adequate performance of their duties as a worker."

41. Idem, Article 39.

"Administrations which utilize the student labour force during their vacation period employ fundamentally the quotas directed by the juvenile organizations. In all cases they are obliged to terminate the working bond which has been established seven days before the start of the scholastic course."

42. Idem, Article 26.

"Those leaving polytechnic centres and other specialized studies of middle and higher level are incorporated into production and may enter university courses for workers.

Graduates with better academic records and a correct integral attitude may continue their studies in the centres for higher education, without previous attachment to work activity."

43. Idem, Article 27.

"Young workers may follow studies in institutions for technico-professional or university education and enjoy the facilities which are offered for their advancement.

These possibilities are offered on the basis of their occupational profiles, their merits and of social needs."

44. Constitución de la República, Article 19.

"In the Republic of Cuba the socialist principle applies : 'from each according to his capabilities, to each according to his work'.

The law establishes the regulations which guarantee the effective implementation of this principle."

45. Ley de Seguridad Social (No. 24) of 28 August 1979, Article 34

"In order to obtain a pension for total invalidity originating in an accident at work, occupational illness or heroic acts, it is only necessary to be in active service at the time of becoming ill or of suffering the accident.

If the illness or accident is of common origin it is also necessary for the minimum period of service to have been completed; this is established from the scale and according to the age of the worker.

For the age of 46 upwards women need only to prove that a minimum of 10 years service has been completed."

46. Idem, Article 87

"If the widow is a habitual worker she has the right to receive, at the same time, the pension to which she is entitled and also the wages which she receives for the performance of her work."

47. Idem, Article 88

"If the widow is under 40 years of age and is not a habitual worker, being capable of working and without children to be cared for or parents who require her permanent care since they cannot care for themselves, she has the right to the pension up until the end of two years, during which she can manage her transfer to work."

48. Idem, Article 68

"In order to obtain the ordinary pension it is necessary :

1. For workers in category I :

   a) to be over 60 years of age in the case of men and over 55 years of age in the case of women;

   b) to have completed not less than 25 years of service.

2. For workers in category II :

   a) to be over 55 years of age in the case of men and over 50 years of age in the case of women;

   b) to have completed not less than 25 years of service;

   c) to have worked in jobs included in this category for not less than 12 years immediately prior to their retirement or, in default of this, for 75% of the time in services required for the granting of this type of pension.

49. Constitución de la República, Article 45

"All those who work have a right to rest time which is guaranteed by the working day of eight hours, the weekly rest period and the paid annual holidays.

The State promotes the development of holiday installations and plans."

50. Idem, Article 46

"Through the social security system the State guarantees adequate protection for every worker disabled by age, invalidity or illness.

In the event of the death of the worker it guarantees similar protection to his family."

51. Ley de Protección e Higiene del Trabajo (No. 13) of 28 December 1977, Article 37

"On the basis of the equality of rights which she already enjoys and her important social mission as mother the woman will not be employed on such work as may prove to be specially prejudicial to them, given their physical and physiological peculiarities."

52. Idem, Article 38

"Administrations must create and maintain adequate working conditions and the installations necessary for the participation of women in the work process."

53. Idem, Article 39

"Every pregnant woman or those with children under one year of age have the right to be excused from overtime, double shifts or performing work away from the place where her work centre is located."

54. Idem, Article 40

"The pregnant woman who, as a result of her condition, is unable to carry out the tasks of the post she occupies will, subject to diagnosis, be transferred to other work consonant with her physical potentialities and will be excused from night shifts during the gestation period, this being determined by the regulating provisions."

55. Ley sobre la Maternidad de la Mujer Trabajadora (No. 1263) of 14 January 1974, According to Which :

"The interest of the Revolutionary Government gives special attention to the working mother who adds, to her important contribution to society through her participation in the procreation and upbringing of children, the performance of her social duty as a worker."

56. Idem, Article 1

"The present Law takes cognizance of the working woman and protects her maternity, ensuring and facilitating in a special manner her medical attention during pregnancy, her leave before and after the birth, nursing and the care of her children; and recognizes an economic benefit for such which meets the requirements established in its provisions."

57. Idem, Article 2

"Every pregnant worker, whatever the activity which she carries out, is obliged to cease her work on completion of 34 weeks of pregnancy, and has the right to enjoy leave for a period of 18 weeks, comprising the 6 before the birth and the 12 after the same. This leave will be paid in the amount and form laid down in this Law, provided that the female worker fulfils the requirements laid down in Article 11.

"The Ministry for Labour, on the proposal of the Central de Trabajadores de Cuba, will rule on the exceptional situations of some working posts in which it is required, for special reasons and according to medico-scientific criteria, that the female workers who occupy these posts should enjoy a prenatal leave for periods greater than those which are established in this Law."

58. Idem, Article 12

"During pregnancy and up to 34 weeks of the same the female worker has the right to six days or twelve half-days of paid leave for the purpose of her stomatological and medical attention prior to the birth."

59. Idem, Article 3

"If the pregnancy is a multiple one the female worker is obliged to cease her work on completing 32 weeks of gestation, in this way extending to eight weeks the period of paid leave prior to the birth."

60. Resolución 2 del Ministerio del Trabajo (Ministry for Labour) of 15 January 1974, Article 8.

"The Administration is obliged to guarantee to the female worker that she will be incorporated into her work at the completion of maternity leave, having the right to occupy the work post which she had left."

61. Constitución de la República, Article 49

"All have the right to whatever relates to and protects their health. The State guarantees this right :

- by the provision of free medical and hospital assistance, through the network of installations for rural medical services, polyclinics, hospitals and specialist treatment and prophylaxis centres;
- by the provision of free stomatological assistance;
- by the development of health dissemination plans and health education, periodical medical examinations, general vaccination and other means for preventing illnesses. All the population cooperates in these plans and activities through the social and mass organizations."

62. Código de Familia, Article 121

"By 'alimentos' is to be understood all that which is indispensable for meeting the necessities of sustenance, habitation and clothing and, in the case of those under age, also the requirements for their education, recreation and development."

63. Idem, Article 123

"Reciprocally obliged to provide 'alimentos' are :

1) the spouses;

2) the forebears and descendents;

3) the adopters and adoptees;

4) the brothers and sisters, whatever their links."

64. Código Civil of 5 November 1889, Articles 1740 et seq.

"(Restricted application) For the contract of borrowing, one of the parties delivering to the other, or any non-fungible object, so that use may be had of it for a certain time and then returned, in which case it is termed a free loan, or money or any other fungible object, on the condition of returning the same kind and quality, in which case it simply retains the name of a loan.

The free loan is essentially free.

The simple loan may be free or with an agreement to pay interest ...."

65. Constitución de la República, Article 38 (d), (e), (h), (j)

"The State directs, develops and promotes education, culture and the sciences in all their manifestations.

In its educational and cultural policy it adheres to the following postulates :

d) artistic creation is free provided that its content is not contrary to the Revolution. The forms of expression in art are free;

e) the State, to the end of raising the culture of the people, is concerned with promoting and developing artistic education, the vocation for the creation and cultivation of art and the capacity for appreciating it;

h) the State directs, develops and promotes physical education and sport in all its manifestations as a means of education and a contribution to the integral training of the citizens;

j) the State promotes the participation of the citizens by way of the social and mass organizations of the country in the realization of its educational and cultural policy."

66. Constitución de la República, Article 51

"All have a right to physical education, sport and recreation.

The enjoyment of this right is guaranteed by the inclusion of the teaching and practice of physical education and sport in the study curricula of the national education system; and by the extent of the instruction and the resources made available to the people which facilitates the massive practice of sport and recreation."

67. Código de la Niñez y la Juventud, Article 82

"The organizations of the State guarantee the permanent utilization of the appropriate installations for realizing cultural, sporting and recreational activities, and the facilitation of their adequate use by the juvenile and pioneer organizations."

68. Idem, Article 87

"Incorporation in sport is a constitutionally granted right. One of the fundamental objectives of the sport policy of the State is to promote the practice of sport, principally for children and young persons."

69. Idem, Article 93

"The state organization responsible for sport, physical education and recreation fulfil the following functions in relation to children and young persons :

- To attend to the physical education and the learning of sports of children and young persons, and to take an interest in the ideological training of sportsmen;
- to promote sport and scholastic competences:
- to harmonize sporting activities with infant games;
- to support those initiatives which are promoted by the political, social and mass organizations in relation to sport and to offer them technical assistance and resources for their realization;
- to stimulate those who systematically practise sporting discipline or obtain the best results;
- to organize the system of participation and competencies in coordination with the organizations of the State and the political, social and mass organizations;
- to draw up the sporting calendars and guarantee the opportune execution of the programmed activities;
- to give special attention to the development of the recreational activities of children and young persons and to support the initiatives taken in this regard by the political, social and mass organizations."

70. Idem, Article 94

"Recreation constitutes an important factor in canalizing the needs and interests of children, adolescents and young persons and contributes towards the conversion of their free time into a healthy form."

71. Reglamento General of the ANAP of 16 May 1982, Articles 1 and 2

Article 1. "The Asociación Nacional de Agricultores Pequeños (ANAP), created by the wishes and decision of Cuban farmers, is the mass organization representative of their interests, which orientates and directs them in the fulfilment of the Programmed Platform of the Communist Party of Cuba.

The ANAP, successor to the Asociación Nacional Campesina de Cuba, has emerged as the continuator of the traditions of struggle of our people, and as the fruit of the transforming work of the Revolution which, with the agrarian reform and other revolutionary laws, established the bases of the most solid alliance between the workers and the farmers."

Article 2. "The farmers, for the fulfilment of the purposes of the organization, group together freely and voluntarily in a basic organization in accordance with their economic and social interests and with the conditions existing in each place."

72. Idem, Article 4

"In order to be a member of the ANAP they must be at least 16 years of age, be engaged in agricultural work on a farm or cooperative, belong to a basic organization and adhere to the present regulation.

The following may be members of the ANAP :

a) The male or female farmer possessing a plot of land by virtue of being the owner or joint-owner, or having any other legal tenancy, and whose income depends fundamentally on the production of his farm.

b) The members of an agricultural production cooperative.

c) The spouse, children and other members of the family, of both sexes, engaged in production, either on the farm or in the cooperative."

73. Idem, Article 15

"The basic organizations of the ANAP comprise farming associations, credit and service cooperatives and agricultural production cooperatives."

74. Idem, Article 21

"The functions of the basic organizations are :

From the economic standpoint

a) To advance towards superior forms of production by the way of integration of the members of the farming associations, credit and service cooperatives for agricultural production cooperatives or state agricultural companies.

b) To participate actively in the drawing up of plans for agricultural production and sales to the State, maintaining a constant check on the fulfilment of the contracted undertakings.

c) To contribute towards drawing up the plan for the supply of technical equipment, checking its fulfilment and participating in the distribution of the resources.

d) To suitably organize the material and human resources within the base, together with those extended by the State with the objective of ensuring the highest utilization and productivity.

e) The directing councils or boards of directors of the basic organizations will conclude sales and credit contracts, etc., in the following form: in the farmers associations, credit and service cooperatives and wherever its direction exercises representation for the collective, every agriculturalist will sign a contract making him individually responsible for the contractual undertakings.

In the agricultural production cooperative the contractual undertakings in the above respects will be the responsibility of all the collective, delimiting the level of this responsibility between the board of directors and the remaining members of the cooperative in the manner in which this is laid down in its regulations.

f) To plan, contract and execute, with the costs met by the social and cooperative funds, those investments which will tend towards the cultural and social benefit of its members, together with investments of a productive character.

g) To establish agreements with the specialized organizations to obtain the technical orientation necessary for farmers and to promote its utilization in accordance with the characteristics of each place and the different crops.

h) To strive for an increase in yields per plot, as a necessity for the economic development of the country, by means of the correct application of technology.

i) To orientate the support of specialization of production and to oversee the application of the technical standards for each crop or branch which are established by the corresponding organizations.

j) Collaborate in supplying statistical information to the competent organizations.

k) Contribute towards the fulfilment and application of the System for the Direction and Planning of the Economy.

l) Develop, in all its forms, socialist emulation, collective and individual in order to impel forward, with the participation of the masses, the fulfilment of the plans for production and sale to the State. To give priority to the development of the general plan for fraternal emulation with the state companies.

m) Cooperate with the National Bank of Cuba in the granting and recovery of credits to farmers, together with their correct utilization.

n) To draw up, in conjunction with the Ministry for Agriculture, MINAZ and other factors, the annual and five-year plans for the farming sector at that level.

o) To stimulate, in the CCS and farming associations, the creation of mutual aid squads from amongst the small farmers and their families.

75. Reglamento de Cooperativas de Producción Agropecuarias, 16 May 1982, Article 1.

"The Cooperativa de Producción Agropecuaria (CPA) (Agricultural Production Cooperative) is the voluntary union of farmers who unite their farms and other means of production so as to work collectively, on socialist principles, for the purposes of :

- Cultivating the land in common, using in an equal manner the technical, financial and material resources which they possess and which the State sells to them or grants in usufruct to achieve greater efficiency in the productive results and by this means to increase the sales which augment the feeding of the people, the raw materials of industry and the exportable products which provide currency for the development of the national economy.

- Raising the standard of living of the members of the cooperative, gradually grouping together the dispersed dwellings into centres which facilitate living together and the social progress of its adherents.

76. Idem, Article 7 (h)

"The CPA has, inter alia, the following fundamental jurisdictions and functions :

From the economic standpoint :

h) To contract for technico-material supplies and services with the corresponding supply companies."

77. Reglamento de las Cooperativas de Créditos y Servisios, 6 May 1982, Article 1

"The name Credit and Services Cooperative is given to the voluntary association of working farmers who, maintaining the individual ownership of their respective farms and other means of production, and based on their economic, social and political interests, decide to unite themselves on the basis of this legislation for the purpose of :

a) Planning, receiving and utilizing in an organized form the material and financial resources and the technical assistance which the State gives them in order to achieve greater efficiency in the results of their production, in accordance with the needs of the national economy.

b) Contributing, in an efficient form, to improving the economic and social situation of their adherents."

78. Constitución de la República, cited under 61 above.

79. Reglamento de las Cooperativas de Producción Agropecuaria, Disposiciones Transitorias.

Sole article : As a provisional requirement until the time that the Ley de Seguridad Social determines the amount of the support which the cooperative as well as the additional members of the cooperative are to make, this support is established as being 3% of the expected entries of the members of the cooperatives in order to supplement the social benefits fund of the CPA.

For the purpose of increasing this fund through the agreement of the General Assembly the cooperative may apply initiatives such as : giving the amount of a day's voluntary work, or extra working hours, etc.

This regulation will come into effect as from its approval by the VIth Farmers' Congress."

80. Constitución de la República, cited under 1 and 2 above.

81. Código de la Familia, Article 1

"This Code juridically regulates the family institutions: matrimony, divorce, parent-child relationships, the obligation to provide sustenance ('alimentos'), adoption and guardianship, with the principal objectives of contributing towards :

- strengthening the family and the bonds of reciprocal respect, aid and affection between its members;

- strengthening legally formalized or judicially recognized matrimony, founded on the absolute equality of rights of husband and wife;

- the more effective fulfilment by parents of their obligations with respect to the protection, moral training and education of the children so that they may develop fully in all aspects and as worthy citizens of the socialist society;
- the full realization of the principle of the equality of all the children."

82. Idem, Articles 2, 34, 53 and 83

Article 2 "Matrimony is the voluntarily contracted union of one man and one woman, with legal effect, for the purpose of leading a life in common.

Matrimony only produces its legal effects when it is formalized or is recognized in accordance with the rules established in this Code."

Article 34 "The payment of the debts contracted by one of the spouses before marriage will not be a charge against the matrimonial community of goods."

Article 53 "An action for divorce may be exercised impartially by either of the spouses."

Article 83 "The exercise of parental authority is incumbent on both parents, conjointly.

It is incumbent on only one of the parents in default of the other or when the latter has had this exercise suspended or has been deprived of it."

83. Código Civil, Article 320

"Coming of age commences on the completion of eighteen years.

Any person of age is capable of all acts in civil life, apart from those exceptions established by the Law in special cases."

84. Código de la Familia, Article 35

"The spouses are the administrators of the goods of the matrimonial community and either of them may carry out, impartially, the acts of administration and may acquire those goods which, by their nature, are intended for the ordinary use or consumption of the family."

85. Idem, Article 36

"Neither of the spouses may effect acts of dominion relating to the goods of the matrimonial community without the prior consent of the other, except those of claims for the community."

86. Ley de Procedimiento Civil, Administrativo y Laboral (No. 7) of 19 August 1977, Article 63

"Those native persons who are in full exercise of their civil rights are competent to appear in the process and to plead before the Tribunals.

For those who do not fall within this case their legal representatives will act for them."

87. Código Civil, Article 4

"Acts executed contrary to the provisions contained in the law are null and void, except those cases in respect of which the law orders their validity.

The rights conceded by the laws are renounceable but are not to be renounced against the person concerned, or against public order, or to the prejudice of a third party."

88. Constitución de la República, cited under 1. above.

89. Código de la Familia, First preamble paragraph

"Inasmuch as : The equality of the citizens, resulting (from*) abolition of private ownership of the means of production and the extinction of classes and of all forms of exploitation of one human being by another, is a basic principle of the socialist society (enjoyed by*) our people, (and*) must be fully and expressly materialized in the precepts of our legislation."

90. Constitución de la República, Article 34

"The State protects the family, maternity and matrimony."

91. Idem, Article 36

"All the children have equal rights, whether conceived inside or outside matrimony.

Any qualification in regard to the nature of filiation is abolished.

No declaration of any kind differentiating births, or concerning the civil state of the parents, is to be entered in the acts of registration of the children, nor in any other document which makes reference to filiation

The State guarantees the determination and acknowledgment of paternity by means of adequate procedures."

92. Idem, Article 37

"Parents have the duty of providing 'alimentos**' for their children and of assisting them in the defence of their legitimate interests and in the realization of their just aspirations; also that of actively contributing to their education and integral training as citizens who are useful and prepared for life in the socialist society.

Children, in their turn, are obliged to respect and aid their parents."

93. Código de Familia, Article 2

"Matrimony is the voluntarily contracted union of one man and one woman with legal effect for them, for the purpose of leading a life in common.

Matrimony only produced legal effects when it is formalized or is recognized in accordance with the rules established in this Code."

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* The words in brackets have been introduced as assumptions regarding the gaps existing in the original text, being needed for continuity.

** For a definition of 'alimentos' see under 62 above.

94. Idem, Article 25

"The spouses must live together, maintaining loyalty, consideration and due respect, and are to give mutual aid.

The rights and duties which this Code establishes for the spouses subsist integrally for as long as the matrimony is not legally extinguished, even if they do not maintain a common home for a justified reason."

95. Idem, cited under 94 above.

96. Idem, Article 26

"Both spouses are obliged to care for the family which they have created and to cooperate one with the other in the education, training and guidance of the children in socialist morals. Equally, and within the capacities and possibilities of each of them, they are to participate in the government of the home and to cooperate in the fuller development of the same."

97. Idem, Article 27

"The spouses are obliged to contribute towards satisfying the needs of the family which they have created by their matrimony, each one according to their economic capacity and abilities. Notwithstanding, if one of them only contributes to this subsistence by their work in the home and in the care of the children the other spouse must contribute alone to the said subsistence, without prejudice to the duty to cooperate in the said work and care.

98. Idem, Article 53

"The action of divorce may be exercised impartially by either of the spouses."

99. Idem, Article 57

"The tribunal, in the declaration of divorce, will pronounce on the matter of parental authority, establishing as a rule that both parents retain it over their under-age children.

Notwithstanding the tribunal may delegate parental authority in favour of the one who, in its judgement, should exercise it, when this one will act in the interests of the under-age children, stating the reasons for which the other has been deprived of it.

Equally the tribunal may determine, as its opinion, on the privation of parental authority from both parents, when this is necessary in the interests of the under-age children, on which assumption the children will be placed under guardianship."

100. Idem, Article 100

"In order to adopt it is necessary to fulfil the following requirements :

1) to have reached twenty-five years of age;

2) to be in full enjoyment of their civil and political rights;

3) to be in a situation to solve the economic necessities of the adoptee;

4) to be of moral character and have demonstrated such behaviour as makes it possible to assume, reasonably, that he will fulfil, in regard to the adoptee, the duties established by Article 85."

101. Idem, Articles 88, 89, 90, 91, 99, 101 and 137

"Article 88 : In regard to the care and custody of the children this will be established by agreement between the parents when the latter do not live together."

"Article 89 : If there is no agreement between the parents, or if there is any attack on the material or moral interests of the children, the question will be decided by the competent tribunal which will be guided, in resolving the matter, solely to that which will prove most beneficial for the minors. Other matters being equal it will, as a general rule, ensure that the children remain in the care of the parent in whose company they were found at the time that the disagreement took place, preferring the mother if they were in the company of both and unless, in every case, special reasons counsel any other solution."

"Article 90 : In the case of the previous article the tribunal will make such arrangements that the parent to whom the custody and care of the minor children has not been entrusted may retain written and spoken communication with them, regulating the periodicity which the case requires and always to the benefit of the interests of the minors. Failure to fulfil what is laid down in this respect may be a reason whereby, that which has been determined in regard to care and custody may be modified, without prejudice to any responsibility of a penal order which may originate in such conduct.

Exceptionally, when circumstances so require, special provisions may be adopted which limit communication between one or both parents and the child, and also that this may be prohibited for a certain period or indefinitely."

"Article 91 : The measures adopted by the tribunal in regard to care and custody and the regime of communication may be modified at any time when variations have taken place in the de facto circumstances which have determined their adoption."

"Article 99 : Adoption is established in the interest of the better development and education of the minor, and creates between the adopter and the adoptee a bond of kinship equal to that existing between parents and children, and from which are derived the same duties and rights as are established by this Code in respect of the parental-filial relationship."

"Article 101 : Spouses adopt conjointly. Notwithstanding, one of the spouses may adopt the child of the other, if the other parent of the minor who is to be adopted has died or has been deprived of his parental authority.

Except in the case of spouses no one may be adopted by more than one person."

"Article 137 : Guardianship is established juridically, and has as its object :

1) the care and custody, education, the defence of the rights and the protection of the patrimonial interests of under-age minors who are not under parental authority;

2) the defence of the rights, the protection of the person and patrimonial interests and the fulfilment of the civil obligations of those who are of age but who have been judicially declared to be incapacitated."

102. Idem, Article 73

"Children are to have as their first surname the first surname of the father, and as second the first surname of the mother.

If, in the registration of the birth of a child born outside the situation set out in Article 66, only the name of one of the parents appears, the child may use either the two surnames of that parent or may repeat the sole name of the latter."

103. Idem, Article 28

"Both spouses have the right to exercise their professions or occupations, as also the duty of both to offer reciprocal cooperation and aid so that they may undertake studies or advance their knowledge, taking care in all cases to organize the life of the home in such a way that these activities may be coordinated with the obligations laid on them by this Code."

104. Idem, Articles 33 and 35 (cited under 84 above).

Article 33 : "The following are charges against the matrimonial community of goods :

1) the sustenance of the family and the costs which are incurred in the education and training of the joint children and those belonging to only one of the spouses;

2) all the debts and obligations incurred during the marriage, by either of the spouses, except in those cases where the consent of both is necessitated in order to contract them;

3) interest or rental falling due during the marriage from the obligations to which the goods proper to each spouse or to both were subject;

4) minor repairs or matters of conservation for their own goods, falling due during the marriage."

105. Idem, cited under 85 above.